



UNIVERSITY OF BOLTON

A STUDY INVESTIGATING THE ADVANCEMENT OF FEMALE SOLICITORS IN ENGLAND: EXPLORING THE PROMOTION TO PARTNER LEVEL PROCESS, CHALLENGES AND OPPORTUNITIES.

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A thesis submitted in partial fulfilment of the requirements of the University of Bolton for the degree of Doctor of Philosophy

DEDICATION

I dedicate this my God Almighty who has been extremely kind to me in almost all spheres of my endeavours and to my mother, Mrs Omasiri Florence Gospel Ikiriko (of blessed memory) who instilled in me the mantra that with hard work and dedication, nothing is impossible to attain. To my father, Mr Gospel John Ikiriko (also of blessed memory) I say to you, your legacy lives on!!

Abstract

The disparity in the number of male and female partners within law firms is a problem that has been present within the legal profession in England. As of July 2017, female partners constituted 33% as against 67% of male partners.

Previous studies on gendered marginalization within the profession focused mostly on large/global law firms to the exclusion of small and medium firms where the majority of solicitors practice. Three theoretical frameworks (Preference Theory, Role Congruity theory and Social Constructionist theory) underpinned this empirical study. This research investigated the promotion to partner processes in two large, three medium and two small law firms in England with the aim of identifying the cause of the problem.

The research was conducted using a qualitative approach with an interpretive paradigm. Face-to-face semi-structured interviews with five partners, a Sole Practitioner, a Human Resource Director, fifteen females and thirteen male solicitors were undertaken. The data was recorded verbatim using an audio- cassette recorder, then transcribed and thematically analysed with an inductive approach. Three main themes (ambition, work culture and promotion process) were identified coupled with several sub-themes.

Findings confirm a lack of female -gender identity within all sizes of firms and the prevalence of male-oriented social constructs and stereotypes. In medium and large firms, female solicitors experienced minimal support from management in mentoring, case- allocation, remunerations, and support for female returnees after childbirth. In addition, male-oriented promotion processes coupled with poor knowledge management and an inadequate communication about the promotion models were found. A culture of silence exists across all firms together with a high rate of attrition about promotion to partner prospects among females. Poor well-being among solicitors and partners due to pressure of work was another finding of this study. Women, BAME and LGBT solicitors across all firms exhibited distrust and apathy towards equality and diversity initiatives.

The recommendations made as researcher's contribution to knowledge include a recognition of multi-gender trajectories and changes in work culture in all law firms,

compulsory membership of the Diversity Monitoring Scheme, the imposition of sanctions for non-compliance, introduction of partnership quotas for male and female solicitors in medium and large firms and an amendment of Section 78(2)(a) of the Equality Act, 2010 relating to equal pay. Compulsory incorporation of Equality and Diversity principles into continuous development programmes for management and practitioners and the appointment of Welfare officers alongside COLPS was recommended. Aspiring female solicitors should be more assertive and engage in self-help strategies for better selection opportunities.

Further contribution by this researcher to existing knowledge includes the recommendation of a fair model of promotions to Partnerships in Medium and Large firms. The model that includes a clear written promotion criteria accessible to all, periodic six -monthly secondment of all partnership aspirants to serving partners for equal mentoring opportunities regardless of gender, ethnicity, sexual preference, age and disability. A model including quarterly workshops for such practitioners to enhance their human and cultural capital was proposed also.

Acknowledgement

The accomplishment of a PhD caps all my educational ambitions. The last 5 years have tested my will power, resolve and resilience, yet, exposed me to a higher realm where constant acquisition of knowledge invigorates.

This research project would not have been possible without the support of several of my colleagues, friends and those within the participating law firms that gave me the opportunity to instigate and conclude this research.

My gratitude goes to my Supervisors, Dr. Angela Tinwell and Dr, Zahra Salimi for their support.

I also would humbly like to say a heartfelt 'Thank you' to Professor Leslie Moran and Dr Julie Prescott for their constructive reviews and academic guidance which made the presentation and completion of this thesis possible.

I would like to thank my darling husband Bandele Christopher Onabowu for his steadfast love, support and endless peace that gave me the serenity to pull through. To my two children, Victor and Dianne, I say thank you for being so wonderful and refined. My joy over my lovely grandchildren, Vienna and Ariadne Yekwe knows no bound.

To my sisters, Bibi, Joy and Margaret, thank you. Knowing that you are there gave me further encouragement. My brother Charles, your leadership has been an inspiration.

Table of Contents

CHAPTER 1	18
1.0 Introduction	19
1.1 The Research Problem	19
1.2 Research Purpose	20
1.3 Research Aim and Goals	21
1. 4 Motivation for this Study	22
1.5 Scope of the Research	23
1.6 Preview of the Research Method	24
1.7 The types and structures of Law firms in England and Wales	26
1.7.1 Traditional Law firms in England	26
1.7.2. Licensed Bodies :Alternative Business Structured (ABS) Law Firms	28
1.7.3 Structure of Large Law firms in England	28
1.7.4 Structure of Medium-sized law firms in England	31
Source: Website of individual law firms	32
1.7.5 Structure of Small firms in England	32
1.7.5.1 Sole Practitioners	33
1.8 Trends in the status of Solicitors in England and Wales	34
1.8.1 Distribution of Solicitors by category of employment in England and Wales.	36
1.8.2 Geographical distribution of Solicitors in private practice in England.	37
1.8.3 Distribution of Solicitors by Ethnicity in England and Wales	38
1.8.4 Age distribution of male and female Solicitors holding Practising Certificates in England and Wales	40
1.9 Current status of law Partnership progression in law firms	41
1.9.1 Statistics of Law Graduates and Trainees in the UK.	42
1.10 Current international, national diversity and inclusion initiatives: Impact on good practice and the gendered disparity at partner levels within private law firms in England	43
1.10.1 International diversity and inclusion initiatives	44
1.10.2 National (United Kingdom) diversity and Inclusion Initiatives	45
1.10.3 Equality and Diversity Initiatives and Strategies by the Solicitors Regulation Authority in England and Wales	46
1.10.3.1 The Solicitors Regulation Authority Equality and Diversity measures for registered law firms in England and Wales	47

1.10.3.2	Gender Pay Gap and Equality Measures	49
1.10.3.3	Diversity and Inclusion Charter 2009	52
1.10.4	Law Society's Diversity Access Scheme	54
1.10.5	Law Society Equality and Diversity Initiatives towards BAME solicitors, women and disabled solicitors	55
1.10.6	The Interlaw Diversity Forum (IDF)	56
1.11	Impact of Law Society Diversity and Inclusion Initiatives and Evidence of Good practice among law firms in England	56
1.12	Gaps in the Law Society diversity and inclusion initiative	58
1.13	Structure of the thesis	58
CHAPTER 2		61
LITERATURE REVIEW		61
2.1	Introduction	61
2.2	Partnership paths in Small, Medium and Large law firms in England.	62
2.2.1	The Distinct Types of Career Paths into Law Partner Positions in Large, Medium and Small Firms in England	62
2.2.1.1	The Lock-step model as a partnership path in law firms in England	62
2.2.2	Distinction of Partner roles in medium and large law firms in England	67
2.2.2.1	Role of a senior partner in medium and large law firms in England	68
2.3	Criteria /Guidelines for Promotion to Partner Position in law firms in England.	76
2.3.1	Economic consideration as a criterion for promotion to partner level in medium and large law firms in England	77
2.3.2	Economic demand as criteria for promotion to partner position in small firms in England: Long hours in Small law firms	79
2.3.3	Quality of Billable Hours in Small, Medium and Large law firms in England	80
2.3.4	Longevity/Work-life expectancy as criteria for promotion to partner level in Small, Medium and Large law firms	81
2.3.5	Client Origination and relations as criteria for promotion to partner level in large law firms	83
2.3.5.1	Client origination and relations as criteria for promotion to partner level in Small and Medium law firms in England	84
2.3.6	Case management: The ability to handle complex matters with minimal partner supervision as a promotion criterion in Medium and Large law firms	85
2.3.7	Possession of Professional skills as promotion criteria in Small, Medium and Large law firms	87
2.3.8	Co-operative spirit, team playing abilities as criteria for promotion in Small, Medium and Large law firms	88
2.3.8.1	Impact of Conscious and Unconscious bias on teamwork in all law firms	89

2.3.9 Non-Billable Hours / Extra-legal activities/ Community Involvement	90
2.3.9.1 Non-billable hours/extra-legal activities/community involvement: Impact on Women, BAME and LGBT Lawyers	91
2.3.10 Personal presentation as a criterion in Small, Medium and Large law firms in England	92
2.3.11 Limitation of the criteria for promotion to partnership in law firms	93
2.4. Impact of Diversity and Inclusion initiatives in England: “Business-Case” Or Traditional Values?	94
Introduction	94
2.4.1 The “Business-case” Strategy	94
2.4.1.1 Advantages and Disadvantages of the “Business -Case” Strategy in England	96
	96
2.4.1.2 Advantages of the “Business -Case” Strategy	96
2.4.2 Disadvantages of the “Business-case” strategy.	99
2.4.2.1 Feminization of the legal profession as an impact of the “business-case” model in large law firms England and Wales.	99
2.4.2.2 Failure of the “business-case” strategy to question economic imperatives.	101
2.5 Trajectories of gender identity within the Legal profession in England.	103
2.5.1 Female gender as a trajectory in the equality problem within the Legal profession in England	104
2.5.2 Female gender and the assumptions on their human capital within law firms in England.	105
2.5.3 Male gender as an additional trajectory in the debate for equality within the legal profession.	108
2.5.4 Solving the inequality problem at partner levels in the legal profession: An international perspective.	109
2.6 Work-life balance and its impact on the choices of female solicitors within the legal profession in England	109
2.6.1 Work-life balance: Choices of female solicitors in Medium and Large law firms in England	110
2.6.2 Impact of technology on work-life balance	112
2.6.3 Work-life balance and choices of female solicitors in small law firms in England	113
2.7.1 Well-being of solicitors within law firms in England	114
2.8 Female career prospects in the light of promotion to partner criteria and state of well-being	115
2.8.1 Well-being of BAME and LGBT solicitors in England and their promotion prospects to a partnership position in law firms	116
2.9 The Research Framework	117

2.9.1	Social Constructionism as a theoretical framework to explore the promotion process for law partnerships and the female's challenges.	117
2.9.2	Role Congruity theory of Prejudice towards Female Leaders as a theoretical framework in this research.	119
2.9.3	Preference theory of Prejudice as a chosen research framework	121
2.10	Gaps in the literature	121
2.10.1	Focus on large law firms to the exclusion of small and medium-sized law firms	122
2.10.2	Lack of specific research on the promotion to partner process in all law firms	122
2.10.3	Major focus on organisational context and structure instead of focus on individuals in authority within the firms	122
2.11	Research Questions	123
CHAPTER 3		125
RESEARCH METHODOLOGY		125
3.	Introduction	125
3.1	Research Methodology: A Qualitative approach	125
3.1.1	The justification for the choice of qualitative research methodology	126
3.1.1	Qualitative Research as a methodology in Social research	127
3.1.1.3	Use of Semi-structured interviews as part of Qualitative Research methodology	129
3.1.1.4	Proximity to participants during semi-structured interviews	129
3.1. 1. 6	Inductive and Deductive approaches in Thematic Analysis	130
3.1.1.6.1	An inductive Thematic analytical approach in Qualitative Research	130
3.1.1.6.2	A deductive thematic analytical approach in a qualitative research	132
3.1.2	Limitations of Qualitative Research	132
3.1.2.1	Validity and Generalisation	133
3.2	Research Design	133
3.2.1	Sampling technique: Purposeful sampling	134
3.2.2.	The research sample and justification of the choice of participants	135
3.2.2.1	Criterion sampling as a component of the purposeful sampling	136
3.2.3.	Snowball as a Sampling technique used in this research	142
3.2.4.	Limitations of Purposive Sampling Technique	142
3.3	Description/Demographics of the Research Participants	142
3.3.1	Demographics of the Research Participants from 2 Large law firms.	143
3.4	Recruitment of Participants for the research	146
3.4.1	Recruitment of Partners, Sole Practitioner and HR director	146
3.4.2	Recruitment of male and female solicitors as research participants	148
3.4.2.1.	Post-viva recruitment	150

3.4.3	The timeframe for the recruitment of research participants	150
3.5	Research Data Collection	150
3.5.1.1.	Audio Cassette Tape Recording	151
3.5.1.2.	Skype as an electronic medium of data collection through semi-structured interviews	152
3.5.2.	The semi-structured interview schedule with law firm Partners and HR manager	152
3.5.3.	Supplementary semi-structured interviews in a Qualitative research	154
3.5.4.	Schedule of semi-structured interviews with partners and HR director	154
3.5.5.	Data collection from Participating Solicitors	155
3.5.5.1.	Semi-structured interviews with participating- male and female solicitors	155
3.5.5.2.	Semi-structured interviews with two EX- practitioners recruited through snowball sampling	157
3.5.6.	Schedule of semi-structured interviews with Participants	157
3.5.7.	Post-viva/Supplementary semi-structured interview	159
3.6.	Research Data Analysis	160
3.6.1.	Thematic Analysis of the Research data	160
3.6.2.	Use of NVivo	160
3.6.3.	Transcription of recorded interview empirical data	162
3.6.4.	Familiarization with research data	162
3.6.5.	Structuring and coding data	163
3.6.6.	Theme development and reviews	165
3.6.7.	Reviewing themes	166
3.6.8.	Defining and naming themes before writing up	166
3.6.9.	Writing down the findings	167
3.6.10.	Memos in NVivo	167
3.6.11.	NVivo11 Word Cloud Map of patterns word and concepts obtained from Participating Solicitors	168
3.6.12.	Nvivo11 Word Cloud from data obtained and analysed from Participating Partners and a Sole Practitioner.	168
3.6.13.	Researcher's experience with NVivo software	169
3.7.	Research Ethics	170
3.7.1	Impact of Researcher's background, beliefs and biases on ethical issues	171
3.8.	Reflexivity during the research process	172
CHAPTER 4		174
PRESENTATION OF RESEARCH FINDINGS FROM ANALYSED DATA OF TWO SELECTED LARGE LAW FIRMS IN ENGLAND		174

4.0 Introduction	174
4.1 Ambition of Male and Female Solicitors	176
4.1.2 Ambitions of Male and Female Solicitors in the selected large firms	177
4.1.3. Enthusiastic and ambitious but doubtful of the future	177
4.2 Work Culture in the Two Selected Large Firms	180
4.2.1 Experiences of male and female participants in the Large firms	181
4.2.2. Mentoring culture in Large firms	182
4.2.2.1. Mentoring	182
4.2.2.4. Mentoring influenced by social connections.	183
4.2.3. Case allocation culture in Large firms	186
4.3 Promotion Processes in the Two Selected Large Firms 'F' and 'G'	201
4.3.1 Findings from data concerning the promotion processes: Perspectives of Partners in large law firms 'F' and 'G'	201
4.3.2 The Promotion Process: Perspective of Participating solicitors	205
CHAPTER 5	210
PRESENTATION OF RESEARCH FINDINGS FROM ANALYSED DATA OF THREE MEDIUM AND TWO SMALL-SIZED LAW FIRMS IN ENGLAND	210
5.0 Introduction	210
5.1 Ambition of Male and Female Solicitors' from Medium Law Firms in England	210
5.2 Work Culture in Medium-Sized Firms	214
5.2.1 Mentoring in the selected medium-sized law firms in England	215
5.2.2 Case allocation culture in the selected medium-sized firms in England	216
5.2.3 Networking culture in medium-sized firms in England	221
5.2.4 Long hours and billable hours culture in the selected medium-sized law firms: The impact on work-life balance and well-being of solicitors	224
5.3 Promotions in Selected Medium-Sized Firms	231
5.3.1 Promotion process from the perspective of participating partners and HRD in the selected medium-sized firms	232
5.3.2 Promotion processes in medium-sized law firms: Perspectives of Participating Solicitors	236
5.4 DATA ANALYSIS AND PRESENTATION OF FINDINGS FROM SMALL LAW FIRMS 'A' and 'B'.	238
5.4.1 Ambition of male and female solicitors in selected small firms	239
5.4.2 Ambition of Participating Solicitors from small firms	239
5.5 Work Culture in Small Firms	241
5.5.1 Notion of the "Family": Proximity to management /team spirit/well-being	241
5.5.2 Existence of direct mentoring schemes	242
	11

5.5.3 Networking culture in small firms	243
5.5.4 Flexible case allocation culture in small firms	244
5.5.5 Lower wages	245
5.5.6 Fixed-fee culture, voluntary casework and work-life balance	246
5.5.7 Uncertainty and pessimism about future career goals in more prominent firms	246
5.6 Promotion Process in Small Firms	247
CHAPTER 6	250
A DISCUSSION OF THE FINDINGS FROM LARGE, MEDIUM AND SMALL LAW FIRMS.	250
6.0. Introduction	250
6.1. Discussion of the Findings on Diversity Characteristics in Large, Medium and Small Firms	251
6.1.1 Under-representation of BAME in large firms	251
6.1.2 Improvement in diversity and inclusion in medium-sized firms	252
6.1.3 Lack of diversity in small firms	252
6.2 Discussion of Findings Related to Research Question 1:	253
6.2.1 Conception of law career success and the ambition of female solicitors in large firms	254
6.2.2 Discussion on the conception of law career success and ambition of female solicitors in medium-sized law firms.	257
6.2.3 Conception of law career success and ambition of female solicitors in small firms	259
6.3 Discussion of Findings Relating to Research Question 2:	260
6.3.1 Discussion of the impact of culture in large law firms on female solicitors' career advancement	261
6.4 Discussion of Impact of Culture in Medium-Sized Law Firms on Female Solicitors' Career Advancement.	272
6.4.2 Biased and purposeful case allocation culture in selected medium-sized firms	273
6.4.1 Positive and negative findings of the mentoring culture	275
6.4.3 Lack of innovative approach to networking in medium-sized firms	276
6.4.4 Mixed findings on the Impact of the culture of long and billable hours on work-life balance and well-being of solicitors	277
6.4.5 Pay differentials in medium-sized law firms	278
6.4.6 Culture of silence in medium-sized law firms and its impact on promotion prospects of female solicitors	279
6.4.7 Fear of victimization about Sexuality promotes Culture of Silence	280
6.5 Discussion on the Impact of Culture on Female Career Advancement in Small Law Firms	281

6.5.1 The notion of 'family': Proximity to management, team spirit in small firms	282
6.5.2 Direct mentoring scheme	282
6.5.3 Absence of pressure on networking in small firms	283
6.5.4 Flexible case allocation culture in small firms and its impact on female career advancement in small law firms	283
6.5.5 Prevalence of low wages in small law firms	285
6.5.6 Well-being of participants within small firms	285
6.6 Discussion of the Promotion Process in the Two Selected Large Firms	286
6.6.1 Lack of a specific promotion model	286
6.6.2 Timeframe for promotion unfavourable to women	286
6.6.3 Current popular promotion processes in large firms	287
6.6.4 Impact of Alternative Business Structures (ABS) on female partner appointments	290
6.7 Discussion on the promotion process in selected medium-sized firms	291
6.8 The Promotion Process in Small Firms	293
CHAPTER 7	295
CONCLUSION: RESEARCH OVERVIEW, RECOMMENDED STRATEGIES, MEASURES AND INITIATIVES	295
7.0 Introduction	295
7.1 Research Purpose	295
7.1.1 Prevailing circumstances, research aim and goal	295
7.1.2 Types and structure of law firms in England	296
7.1.3 The role of Partners in private law firms	297
7.1.4 Promotion criteria for a partner position	297
7.1.5 Diversity and Inclusion initiatives	298
7.2 Review of Literature	300
7.3 Gaps in the Literature Addressed by this Research	302
7.3.1 Lack of previous studies on small- and medium-sized law firms	302
7.3.2 Lack of specific research on the promotion process	302
7.3.3 Major focus on organisational context and structure, not authority figures	302
7.3.4 Exploring beyond law firms	302
7.4 Identification of Three Research Frameworks	303
7.4.1 Preference theory, prejudice towards women	303
7.4.2 Role Congruity theory of prejudice	304
7.4.3 Theory of Social Constructionism	304
7.5 Research Methodology	305

7.5.1 Choice of methodology and justification	305
7.5.2. A detailed explanation of the research process	306
7.6 Data Analysis and Presentation	310
7.7 Discussion and Findings	310
7.8 Summary of Findings that Addressed the Research Questions	311
7.9 Research Recommendations/Proposals	315
Introduction	315
7.9.1.The Research Recommendations/Proposals	315
7.9.2 <i>Strategic Proposals for Solicitors' Regulation Authority of England and Wales</i>	315
7.9.2.1 Mandatory membership of Diversity Monitoring Scheme and accountability by law firms in fulfilment of the Diversity and Inclusion Charter.	316
7.9.2.3 Introduction of quotas for women for partner positions by Solicitors Regulation Authority	317
7.10 Strategic Measures for Medium and Large Law Firms	319
7.11 Practical Suggestions for Female Solicitors in practice	325
7.11.1 Develop close ties and increased interactions with male colleagues	325
7.11.2 Develop interest in legal, technological software	325
7.11.3 Utilize social media to professional advantage.	326
7.11.4 Develop interests in lateral partnership appointments	326
7.11.5 Initiate Partner selection opportunities through self-selection/presentation	326
7.12 New Promotion to Partnership Model for Medium and Large Firms	327
7.12.1.Manual of promotion criteria in Large and Medium law firms	327
7.12.2. Quarterly workshops/seminars for senior associates in all firms	327
7.12.3.Secondment of Prospective partners' in large and medium firms	327
7.13 Research Limitations	328
7.14 Suggestions for further studies:	328
7.14.1 Impact of same-sex mentoring in law firms	328
7.14.2 Research studies about serving Female Partners.	329
7.14.3 Further studies on the well-being of female solicitors in conjunction with LawCare.	329
7.15 Conclusion	329
References	330
Appendices	346

List of Tables

Table 1	Some Large law firms in England	29
Table 2	A Snapshot of some medium -sized law firms in England	31
Table 3	Snapshot of Small law firms in England	33
Table 4	Statistical trends on Solicitors' profession in England and Wales from 2014 to 2017	34
Table 5	Distribution of Practising Certificate holders by category of employment in 2017	37
Table 6	Geographic Distribution of Solicitors with Practising Certificates in England and Wales (2007 to 2017).	38
Table 7	Ethnicity of Solicitors on the Roll with practising certificates as at 31 July 2017	39
Table 8	Age ranges of Male and Female Solicitors with PCs in England and Wales	40
Table 9	Number of Male and Female Law Partners in England and Wales from 2013 to 2017	42
Table 10	Percentage of Female Trainees, Associates and Partners in selected 10 large law firms in England	57

List of Figures

Figure 1.1	Percentage of PC holders and Non-PC holders by gender	36
Figure 3.1	Characteristics of the 7 different law firms under study	139
Figure 3.2	Demographics of the Research Participants from Large law firms 'E' and 'F'	143
Figure 3.3	Demographics of the research participants from 3 Medium law firms 'C', 'D' and 'E'	144
Figure 3.4	Demographics of the research participants from 3 Small law firms 'A' and 'B'	145
Figure 3.5	Demographics of 2 research participants from the snowball sample group	146
Figure 3.6	Thematic Qualitative Data Analytical process	161
Figure 3.7	Illustration of main and child nodes in Thematic analysis	164
Figure 3.8	NVivo11 Word Cloud Map of patterns word and concepts obtained from participating solicitors	168
Figure 3.9	NVivo11 Word Cloud Map of patterns word and concepts obtained from participating partners and sole practitioner	169

List of Abbreviations

ABS	Alternative Business Structure
ASR	Annual Solicitors Report
BC	Business case
CB1	Confederation of British Industry
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
COLP	Compliance Officer for Legal Practice
CPD	Common Professional Development
CPE	Continuing Professional Education
DAS	Diversity Access Scheme
E & D	Equality and Diversity
EMLD	Ethnic Minority Lawyers Division
EOC	Equal Opportunities Commission
EX-PFS	Ex- Practising Female Solicitor
F	Female
FD	Female Director
FP	Female Partner
G	Gay
GDL	Graduate Diploma in Law
GEL	Gay Employment Lawyers
H	Heterosexual
HRD	Human Resources Director
KM	Knowledge Management
IDF	InterLaw Diversity Forum
LLC	Limited Liability Company
LLP	Limited Liability Partnership
LAGLA	Lesbian and Gay Lawyers Association
LGBT	Lesbians, Gay, Bisexuals and Transgenders
LPC	Legal Practice Course
LS	Law Society
LSB	Legal Service Board
LSD & I	Law Society Diversity and Inclusion
M	Male
MD	Male Director
MP	Male Partner
PFS	Participating Female Solicitor
PMS	Participating Male Solicitor
PTSD	Post-Traumatic Stress Disorder
OECD	Organisation for Economic Co-operation and Development
OFR	Outcomes -focused regulation
RCT	Role Congruity Theory
RQ	Research Question
SOLE	Sole Practitioner
SRA	Solicitors Regulation Authority
TUC	Trade Union Congress
UK	United Kingdom
UN	United Nations
QLTT	Qualified Lawyers Transfer Test

CHAPTER 1

1.0 Introduction

This research examined the cause of the fewer number of female partners in law firms within the legal profession in England. The research focused specifically on the promotion to partner-level process in seven (two small, three medium and two large) law firms in England.

It is almost 99 years since the Sex Disqualification (Removal) Act 1919 (Benion, 1979) was passed in the Parliament of the United Kingdom to denounce gender-based disqualifications within the legal profession in the UK. The enactment of the Act in December 1919 heralded the admission of the first set of four female lawyers (Maud Crofts, Carrie Morrison, Mary Pickup and Mary Sykes) into law practice in England (Benion, 1979). Since then, both male and female solicitors have continued to engage in legal practice in England and Wales. Annual statistics recorded by the Law Society over the years indicate an almost equal number of men and women being enrolled as solicitors in England and Wales.

1.1 The Research Problem

This section explains the research problem. The research problem is the persistent fewer number of female partners within registered law firms in England. There are large/global, medium and small law firms all operating within the jurisdiction. In traditional law firms where all practitioners are qualified lawyers, partners are appointed from within the firms or by lateral appointment directly from another law firm. Lateral appointments are not very common but do occur.

Since 2009, in firms with Alternative Business Structures (ABS), non-lawyer financial investors can invest in the law firm and form business co-operations. Such investors are appointed Partners based on their investment and after due certification by the Solicitors Regulation Authority (SRA).

Partner appointments are usually earned through professional competence, arduous work, dedication and perseverance (Jarrett-Kerr, 2011). The promotion criteria of a law firm are determined by its business objectives and goals (Jarrett-Kerr, 2011). The

firm's business goals also influence its business values, strategy and culture (Sommerlad & Sanderson, 1998; McGlynn, 2000). It is therefore expected that those who meet the criteria for promotion to partnership positions in law firms are duly appointed.

In England and Wales, the statistics of female solicitors holding certificates to practice law are almost equal to men. In some years, the number of women is higher than the number of men. The Annual Statistics Report (ASR) by the Law Society shows that in 2017, there were a total of 69,629 male solicitors with practising certificates and 69,995 female solicitors also with practising certificates (Law Society ASR, 2017). Despite the above-reported statistics of male and female solicitors in practice, partnership statistics over the years continue to show a wide gap between male and female partners in most law firms. As at 2017, there were 19,884 male partners and only 8,241 female partners in England and Wales. The statistical data of all registered law firms in England and Wales as stated here shows a difference of 11,643 more male partners than females in (Law Society ASR, 2017). This disparity which has persisted over the years is the problem.

1.2 Research Purpose

The purpose of this qualitative research was to investigate the cause of the margin in the number of male and female partners in registered law firms in England. In seeking to do so, the promotion to partner process was explored to understand the impact of such processes on the appointment of female solicitors to partner levels in law firms. This research is not limited to large firms as observed in previous studies (Ashley, 2010, Ashley & Empson, 2013; Bolton & Muzio 2007; Collier, 2013:2015, McGlynn, 2000; 2002; Sommerlad & Sanderson; 1998; Webley & Duff, 2009).

The research is extended to include medium and small law firms in England. The reason for the inclusion of medium and small firms stems from the fact that many solicitors in England also practice in medium and small law firms. Therefore, an investigation into the trend in medium and small firms in addition to large law firms will provide a better outcome. It will provide a better understanding of the cause in all sizes of law firms.

The research purpose was attained through a review of past and current theories, an in-depth review of the literature in this area of study and by conducting this empirical research.

1.3 Research Aim and Goals

The aim of the qualitative research was to understand the factors within the promotion process which might negatively impact female career advancement through the hierarchy and up to partner levels. This research focused on the different types of law firms with partnership structures in England that are registered with the Solicitors Regulation Authority (SRA).

Considering the diversity and inclusion initiatives being promoted by the Solicitors Regulation Authority and some positive outcomes in terms of the increase in entry trends of practitioners from diverse ethnic backgrounds like Black Asian Minority Ethnic (BAME) network, different religious networks and Lesbian, Gay, Bi-sexual and Transgender networks, it is expected that the gap in the number of male and female partners would reduce. However, current published statistics confirms that the gap remains.

Related studies on UK law firms in the past, identified gender-specific factors and challenges like long working hours in large firms which put female solicitors at a disadvantaged position (Wald, 2010; Webley & Duff, 2007). Bolton and Muzio (2007:2008) in their work on gendered segmentation within the legal profession, identified the issue of selective mentoring and positioning opportunities in law firms as some of the causes of the slow career advancement of female practitioners to partner level. Several other scholars with interests in gender studies also identified work-life imbalances suffered by many female law practitioners as a cause of the problem (Barreto, Ryan & Schmitt, 2009; McGlynn, 2000; 2002; Sommerlad & Sanderson, 1998; Webley & Duff, 2007).

Other factors including a lack of equal pay among UK solicitors was found as a reason for the slow rate of progressions by female practitioners to partner levels (Aulakh, Charlwood, Muzio, Tomlinson & Valizade, 2017; Ward, Winterfeldt & Moran, 2012;

Webley, Tomlinson, Muzio, Sommerlad & Duff ; Tomlinson, Valizade, Muzio, Charlwood & Aulakh, 2018). Some of the aforementioned scholars were sponsored over the years by the SRA and Law Society to conduct studies on aspects within the profession which they believe can lead to improvements in diversity, equality and inclusion among solicitors. Collier (2015; 2016) conducted researches on law firms in the UK, with a focus on the hegemony of male dominance, the myth surrounding masculinity and performance and the well-being of male practitioners in large law firms.

A simultaneous study on the promotion to partner processes in small, medium and large law firms in England have not been fully explored. Kumra and Vinnicombe in 2010 studied promotion prospects in Consultancy and Accountancy firms across the UK, but the study did not include UK legal professionals. They suggested the need for further studies in specific contexts like law firms.

The aim of this research was to explore the promotion process in large, medium and small law firms in England and to identify the cause or causes within the promotion processes that may be contributing to the current problem of slow career advancement of female solicitors to partner levels.

This research aim was to identify the cause of the problem and to provide requisite recommendations by way of solutions that could create a change in the current situation. New policies, strategies, measures and initiatives have been developed through this research as part of the research contribution to existing body of knowledge in this area of study. The recommendations made in this thesis are for adoption by the SRA, law firms and practitioners. The goal is to encourage firms to engage in more diversity and inclusionary practices which can lead to better career advancement opportunities for all and specifically for female practitioners who wish to attain partner positions in the different types and sizes of law firms.

1. 4 Motivation for this Study

The motivation for carrying out this research arose as a result of the researcher's professional experiences and observations as a solicitor of England and Wales. The

urge to contribute to reforms that will improve the current situation of low female gender representation at the partner level also is a major motivating factor for conducting this research.

Creswell (2009) pointed out that "qualitative research is emancipatory and transformative and thus should often have an action agenda for reform which can change the lives of participants, the institutions in which they live or work or even the researchers' lives" (p.26). Being a Sole practitioner who initially practised as an employed associate in a law firm in the UK, created the opportunity to experience some of the challenges women and those from ethnic minority networks face within the profession. The period of practice exposed the reality that women practitioners have a minimal prospect of becoming partners within the profession.

Additionally, an enrolment for further education as a Post-Graduate student provided another opportunity to become conversant with available literature that illustrates the biased experiences of women mostly in global and large firms. These developments aroused the curiosity to explore the current situation as it affects female solicitors in large, medium and small law firms in England.

The motivation was to contribute to existing knowledge, policies and initiatives so that the current state of low female representation at partner level in law firms could be improved upon. The outcome of the research is intended to further assist the SRA as a regulatory body, law firms irrespective of size and practitioners who are having such experiences to tackle the factors constructively. The researcher was also motivated by some scholars whose work have helped to throw more light on the work practices that create challenges for women (Sommerlad & Sanderson, 1998; Sommerlad, 2016; McGlynn, 2000, 2002; Thornton, 2016; Thornton & Bagust, 2007).

1.5 Scope of the Research

The scope of this research is limited to gender inequality among solicitors in private practices in England and specifically at the promotion stage. The reason is that the issue of lack of promotion to partner level affects almost all women regardless of race, ethnicity or sexual preference. While issues of ethnicity, race, sexuality and disability are not the main focus of the study, an understanding of these issues during the survey has been helpful in exploring the situation adequately.

1.6 Preview of the Research Method

A qualitative research methodology with an interpretive paradigm was engaged during the research process. An interpretivist paradigm in qualitative research is concerned with understanding the world as it is from the subjective experiences of individuals (Neuman, 2000). Thanh & Thanh (2015) emphasized that there is a strong inter-relationship between qualitative methodology as an approach and an interpretivist paradigm as a means of research data collection. An interpretivist paradigm enables a qualitative researcher to seek experiences, understandings and perceptions of individuals through the empirical data obtained from them. The aim is usually to uncover reality rather than rely on numbers of statistics (Neuman, 2000; Thanh & Thanh, 2015)

In this research, the purpose was to understand how behaviours, perceptions and beliefs of management, law firms and practitioners influence the promotion to partner processes as identified from the narratives of participants. Participants were, therefore, given the opportunity to express themselves and narrate their experiences in response to the open-ended questions asked during the semi-structured interviews.

A qualitative sampling method was utilized to purposely selected the participants and firms within the sample group. There were thirty-five participants which included thirteen males and fifteen female solicitors, five partners, a sole practitioner and a Human Resource Director. All participants except two non-practising females, were chosen from a total of seven law firms comprising of two large, three medium and two small firms in England. The two non- practising female solicitors were chosen using snowball sampling technique. The composition of the qualitative sample was to have a better representation of different categories of private law firms operating in England.

Some firms within the sample group have been recognized as engaging in good practices whereby diversity and inclusion thrives. Some have a fair representation of female partners while others do not. Thus, they were chosen to enable a better parallel investigation and analysis as to whether some law firms perform better than the others concerning promoting female solicitors.

Empirical qualitative research data was collected using semi-structured interviews. Silverman (2016) explained that in-depth qualitative studies could generate rich data sources, which could enable people to account for their troubles as well as their good fortune. Face- to- face semi-structured interviews were held at different times with the participants. The semi-structured interviews were conducted using an electric and battery-operated audio recording cassette device also known as a Dicta-phone. The cassette device recorded all of the participants' responses verbatim. These were later transcribed into written formats in Microsoft Word document before being analysed.

A Thematic analytical method with an inductive approach was used to analyse the complex empirical data obtained through the semi-structured interviews during the research process.

A thematic analysis in qualitative research is "a method for identifying, analysing and reporting patterns within data." (Braun & Clarke, 2006, p.79). The use of thematic analysis was considered as the appropriate method of analysis in this research because it enabled the identification of emerging patterns from the volume of data obtained from the participants. These emerging patterns from the data were further analysed using an NVivo computer assisted coding technique to create main themes and sub-themes.

Researchers have the option to utilize either a deductive or inductive approach or both approaches during qualitative studies (Braun & Clarke, 2006). In this research, an inductive approach instead of a deductive approach was used during the thematic data analytical process. This was because the focus was more on the themes that emerged from the empirical data obtained from the participants rather than a reliance on any preconceived knowledge about the problem being investigated (Boyatzis,1998).

The three main themes which emerged from the analysed data revealed issues about female professional ambition, work culture and the promotion processes in firms under study. Several sub-themes also emerged from the three main themes. These further highlighted the problems inherent in the firms studied.

1.7 The types and structures of Law firms in England and Wales

According to the Solicitors Regulation Authority Report of August 2018, there were 10,457 registered law firms in England and Wales practising in diverse areas of law. These include Sole Practitioners, traditional law partnerships, Incorporated Companies and Limited Liability Partnerships. No two law firms are the same and their structures determine the type of law partners within them.

1.7.1 Traditional Law firms in England

Traditional law firms are those authorised to practice by the Solicitors Regulation Authority. Such law firms comprise of qualified lawyers holding practising certificates and non- professional staff for supporting services. As at August 2018, the SRA Regulated Population Statistics recorded a total of 1708 traditional law firms in England and Wales (SRA, Regulated Population Statistics, March 2018).

There is no requirement to register a traditional law firm at the Companies House in the UK. The primary duty of traditional law firms includes the provision of legal advice to clients (individuals or organizations) about their legal rights and responsibilities. They also represent clients in diverse criminal or civil matters at courts, tribunals or before any legally instituted investigative body and receive payment for their services. Clients are also represented during business transactions, contractual matters and other legal services for which legal fees are paid.

1.7.1.1 Types of Partnerships in law firms in England

There are two main types of partnerships operating in law firms in England. These are partnerships within a traditional law firm and in limited liability law firms otherwise called Limited Liability Partnerships (LLPs).

1.7.1.2 Partnership in a Traditional Law firm

In a traditional law firm, two or more solicitors are required to make a standard partnership. Partnership in a traditional law firm is achieved in three ways. Firstly, through co-ownership by two or more qualified practitioners at the time of establishment of the firm. Secondly, by an appointment within the firm or a promotion

through the firm's hierarchy. The third route is by lateral appointment whereby an experienced qualified lawyer is appointed directly from another law firm.

Partners in traditional law firms have unlimited liability. Such partners are jointly and severally liable to pay off all debts in case of insolvency. Each partner remains accountable to the acts of other partner or partners. The implication is that the personal assets of such partners remain at risk when bankruptcy occurs. They are also liable for all costs in case of an intervention of the firm by the SRA (Solicitors Act 1974, Schedule 1).

1.7.1.3 Limited Liability Partnership (LLP)

A Limited Liability Partnership is the second type of partnership that exists among law firms in England. A limited liability Partnership is one registered as a corporate body under the Limited Liability Partnerships (LLP) Act 2000 and is authorised to practice law by the Solicitors Regulation Authority.

As at August 2018, there were 1,552 Limited Liability Partnership firms in England and Wales (SRA Regulated Population Statistics, August 2018). The number was based on a count of head offices that are currently authorized and regulated by the SRA.

The incorporation/registration of the law firm at the Companies House in the UK invests a legal entity upon such a firm (LLP Act, 2000). Such LLPs are still required to be authorized by the SRA to operate in England and Wales. The implication of registration as an LLP is that the liabilities of members of the Limited Liability Partnership (LLP) are limited to their capital contributions. No member will be held liable for the acts of other members. This aspect of responsibility in times of liquidation or bankruptcy differs from the extent of liabilities of partners in a traditional law firm where every partner is jointly and severally liable for debts unlimitedly.

While a traditional law firm authorised by the SRA is permitted to use any name as the firm's identity and is not required to register with the Companies House, UK, all LLPs are required to include the words 'LLP' to the firms' chosen name. The purpose is to clearly signify the limited liability partnership status and structure.

1.7.2. Licensed Bodies :Alternative Business Structured (ABS) Law Firms

The Legal Services Act 2009 (Part 5, Schedule, 16 paras 81 & 82) heralded the ABS that changed the traditional structure of some law firms in England and Wales. Before the advent of the ABS, entrepreneurs who are not qualified lawyers could not co-own law firms with lawyers. But the Legal Services Act, 2009 changed the situation. From 2012, the SRA began to register firms with an ABS and from then, began to allow non-lawyers to invest and co-own law firms. From then, such investors could also become partners alongside lawyers after a demonstration of their suitability to practice to the SRA. Once approved by the SRA as suitable to practice, such non-lawyer investors with at least a ten percent stake or more could get involved in the management of business strategies and attainment of goals (SRA ABS Handbook, 5TH April 2011).

The SRA stated that the purpose of the change in ownership pattern was predicated on the need for law firms to raise equity capital through non-lawyer investment opportunities. Secondly, it was established to enable such law firms to diversify into other business markets to improve consumer choice and value (Legal Services Act 2007). As at July 2017, there were six hundred ABS firms authorised to engage in legal practice by the SRA (Law Society's ASR, July 2017). ABS firms made up 6.3% of firms that were actively in practice as at July 2017 (ASR, July 2017).

1.7.3 Structure of Large Law firms in England

The size of a law firm is categorized as 'large' based either on its share capital or annual turn-over. Most large law firms in England are authorised to practice by the SRA as either traditional law firms, ABS or limited liability partnerships (LLP). The number of lawyers in large firms, range from about 30 and above and engage mostly in corporate, banking and finance legal work at domestic, international and global levels. Further areas of engagement include intellectual property, construction, environmental laws, regulatory and criminal law. Their operations often span across Europe, North America, Asia. (Collier, 2013).

Among these large firms are those categorized as 'Magic circle' firms according to their revenue or turnover, scope of global operation and elite status in the world. Currently, there are five magic circle firms with headquarters in London, England namely Allen & Overy LLP, Clifford Chance LLP, Freshfields Bruckhaus Deringer LLP, Linklaters LLP and Slaughter and May LLP (Chambers Student Report 2018). Others large firms are located within the regions (Out of London) like Manchester, Leeds, Liverpool, Newcastle.

A recent study revealed that nearly 70% of all partners in existing law firms in England and Wales, practice within large corporate law firms (Aulakh, Charlwood, Muzio, Tomlinson & Valizade, 2017). The probability of women populating this career class is low and progression to partnership in large corporate firms remain male-dominated (Ashley, 2010; Bolton & Muzio, 2007; Collier, 2013, 2015; McGlynn, 2000; Sommerlad & Sanderson, 1998; SRA Diversity Report, 2017; Tomlinson, Muzio, Sommerlad, Webley & Duff, 2013; Webley & Duff, 2007; Ward, Winterfeldt & Moran, 2012; Webley & Duff, 2007).

Table 1 A snapshot and an analysis of some Large law firms in England

Names of UK Large law firms	Location of firms	Number of partners	No of Solicitors in the UK	Year of establishment	Scope of firm
Allen & Overy LLP	London & Counties	554	2,768	1930	Global/Magic Circle
Clifford Chance LLP	London & Counties	577	1,603	1987	Global/Magic Circle
Linklaters LLP	London	442	1,105	1838	Magic Circle/Global
Slaughter & May LLP	London	100	356	1889	Magic Circle/Global
Freshfields Bruckhaus Deringer LLP	London & Counties	146	493	1801	Magic Circle/Global
Eversheds Sutherland LLP	Birmingham & Counties	395	1,654	1924	Large/Global
DWF LLP	Manchester	285	1,203	1977	Large/International
Hogan Lovells LLP	London	156	530	1899	Large/International
Burgess Salmon LLP	Bristol	88	410	1841	Large /International

Sources: websites of the various large law firms

The data presented above are subject to changes as time goes on. The dynamic nature of law firm business implies that some of the figures may change over time

during this research. The structure of these firms can change due to either mergers or acquisitions. Notably, not all the large firms maintain their original status at the time of establishment. For instance, Eversheds LLP, Sutherland Asbill & Brennan LLP merged to become Eversheds Sutherland in February 2017 and is one of the 50 largest law practices in the world(Financial Times, 2017). In May 2010 Washington-based Hogan & Hartson and London-based Lovells merged and became known as Hogan Lovells even though the original Lovells law firm was established in 1899 (<https://www.hoganlovells.com>).

In terms of diversity within large firms, a recent study commissioned by the SRA to map the state of diversity within the legal profession in England and Wales reported that “staff with socio-economically advantaged backgrounds make up a large proportion of those employed in large corporate practices (Aulakh, Charlwood, Muzio, Tomlinson & Valizade, 2017; p.46). The report stated further that there is a high probability that employees in those firms have attended fee-paying schools with a further likelihood of having a family member also attending such fee-paying schools. A similar qualitative study of six elite UK legal, accounting, investment banking and consulting firms was undertaken by Ashley and Empson (2013) to understand the impact of discrimination based on a practitioner’s social class. Their study which spanned between 2006 and 2010 revealed that class-based exclusionary mechanism among leading elite firms continue to impact negatively on diversity and influenced the demography of practitioners in those large firms.

In large ABS firms, most non-lawyer investors are appointed directly as equity partners and do not go through the rigorous promotion to partner processes (Whelan, 2014). The implication of this is that firms with ABS can lengthen the period of waiting for senior associates or fee earners prospecting to be appointed salaried partners.

The number of female partners in large firms continuously remain low (SRA Diversity data, 2017). The number of female partners has not increased significantly over the last few years. In 2014, the percentage of female partners was 25% and rose to 29% in 2017(SRA Diversity Data, 2017).

No significant difference seems to exist in the roles of partners in small, medium, or large firms. All partners in these firms, seek to improve the business status, maximize

profit while providing best services to their clients. The volume and scope of work undertaken often differentiate a large firm from others (Jarret- Kerr,2011). Also, the work culture in some of the large firms is hyper-competitive and highly demanding because they favour free-market capitalism (Collier, 2013; 2015). The business culture includes long working hours (Ashley 2010; Bolton & Muzio, 2007; Collier, 2013; Wald, 2010), high remuneration and identity consciousness (Collier, 2013).

1.7.4 Structure of Medium-sized law firms in England

Medium-sized law firms are smaller in scope and size than large firms. Such firms are usually made up of at least six or more partners, ten or more fee- earners and a reasonable number of trainees (SRA Diversity Report, 2017). The SRA Diversity Report states that 54% of solicitors working in mid-sized law firms are female and 37% of the female practitioners are partners (2017).

In England, medium-sized law firms are located within and outside the city of London. Regional cities like Birmingham, Bristol, Manchester, Leeds have a considerable number of mid-sized firms. Table 2 below shows a snapshot of some medium-sized law firms currently operating within England. Medium -sized law firms focus on both private client, corporate and commercial work (SRA Diversity Report, 2017).

Table 2. A Snapshot and an analysis of some medium-sized law firms in England

Name of firm	Location	No of partners	No of solicitors	Year of establishment
Gordons Partnership LLP	Guildford/ London	16	34	1994
Shulmans LLP	Leeds	19	42	1981
Wilson & Co Solicitors LLP	London	14	31	1989
Express Solicitors LTD (ABS)	Manchester	24	78	2000
EAD Solicitors	Liverpool	23	79	1974
Bindman's LLP	London	19	24	100+yrs

Tollers Solicitors	Northampton	19	12	1877
Ramsdens Solicitors LLP (ABS)	Huddersfield	28	74	1870
BPE Solicitors LLP	Cheltenham	25	41	1970
BP Collins LLP	London	16	44	1966

Source:
Website
of

individual law firms

The work culture depends on the management style of the partners. The recent study on diversity within the profession commissioned by the SRA (2017) revealed that ABS firms had introduced new business models with a flexibility that allows self-employment by freelancing through legal agencies in place of rigid private law firm employment'. The report further revealed that the freelancing opportunity is becoming popular among female solicitors who want to take time off during pregnancy or after childbirth. The direct partner-appointment process based on capital invested remains the same where an ABS structure is engaged.

1.7.5 Structure of Small firms in England

Small firms are situated across England and are usually made up of two or more partners with less than 20 practising solicitors. Small law firms practice in almost all areas of law depending on the area of specialization. They are typically found in high streets within their locations and engage in small-scale practice areas like asylum and immigration, criminal law, commercial law, family law, children's law, conveyancing, wills and probate.

Small-sized firms with an ABS also have non-lawyer investors appointed directly as equity partners and can avoid the rigorous promotion process (Whelan,2014). The SRA Data Report (2016) states that almost half of small firms are converting to the ABS due to the flexibility it provides which gives family members, long-standing colleagues and business associates the opportunity to co-own and manage the firms (SRA Data, 2016). The practice of facilitating the direct entrance of family members into the firm's hierarchy lengthens the waiting period for senior law associates and fee earners prospecting to become partners within such firms.

Also, a recent study commissioned by the SRA in 2017 revealed that the firms with ABS have introduced new business models with a flexibility that allows self-employment by freelancing through legal agencies in place of rigid law firm employment.

Many female solicitors and those from BAME networks are concentrated in some of these small and medium-sized firms (Bolton & Muzio, 2007; Fouzder, 2017; Hagan & Kay, 1995; McGlynn, 2002; Sommerlad, 2007; Sommerlad & Sanderson, 1998; Sullivan, 2010; Tomlinson, Muzio, Sommerlad, Webley & Duff, 2013; Ward, Winterfeldt & Moran, 2012).

Table 3 Snapshot of Small law firms in England

Name of firm	Location	No. of Partners	No. of Solicitors	Year of Establishment
Northridge Solicitors	London	4	18	2017
Simon Bethel Solicitors	London	2	13	2008
Watkins Solicitors	Bristol	3	9	1998
Obaseki Solicitors	London	3	8	2005
TM Fortis Solicitors	Manchester	3	8	2001
BWF Solicitors	London	1	3	2006
Brendan Flemming Solicitors	Birmingham	1	2	1982

Source: individual websites of law firms

1.7.5.1 Sole Practitioners

A Sole practitioner is a single individual solicitor authorized to practice law by the SRA. Sole practice as the name infers does not have a partnership status. It is owned and managed by a single individual who is often the founding owner.

Although, sole practitioners account for 27% of practitioners in England and Wales, females and minority ethnic groups are more likely to use Sole practice as a route to establish a law firm owned and managed by them (Aulakh, Charlwood, Muzio, Tomlinson & Valizade, 2017; SRA Diversity Report, 2017). Sole Practitioners are authorised by the SRA to employ other qualified solicitors to practice in various areas of law.

In some cases, the Sole practice can grow in size and scope and decide to appoint another practitioner to the position of a partner. When this occurs, the structure of the Sole practice changes and can no longer be recognized as a sole practice. It then becomes a partnership. Even though a sole practice is not a partnership, a sole practice and practitioner were included in this study to explore and highlight any challenges female solicitors face while seeking to advance to partner positions within such practices.

It is worthy to mention that any change in structure in terms of a new appointment to co-own the sole practice with the existing sole practitioner will automatically alter the firm's structure to become a partnership.

1.8 Trends in the status of Solicitors in England and Wales

As at 31st July 2017, there were a total of 181,968 individuals on the Roll of solicitors in England and Wales (Law Society ASR, 2017). Out of this number, 139,624 solicitors held practising certificates. The table below shows the statistical trends of solicitors from 2014 to 2017.

Table 4. Statistical trends on Solicitors' profession in England and Wales from 2014 to 2017

<u>Description /Years</u>	<u>2014</u>	<u>2015</u>	<u>2016</u>	<u>2017</u>
Solicitors on the Roll	160,394	168,226	175,160	181,968
Solicitors with practising certificates in England & Wales	130,382	133,367	136,176	139,625
Private practice firms registered within England & Wales	9,542	9,403	9,430	9,488
Male Solicitors with PCs	67,538	68,220	68,783	69,629
Female Solicitors with PCs	62,844	65,147	67,393	69,995
Solicitors practising in private law firms in the UK	90,306	91,062	91,166	93,155
Solicitors employed outside private practice	25,325	26,242	26,894	27,767

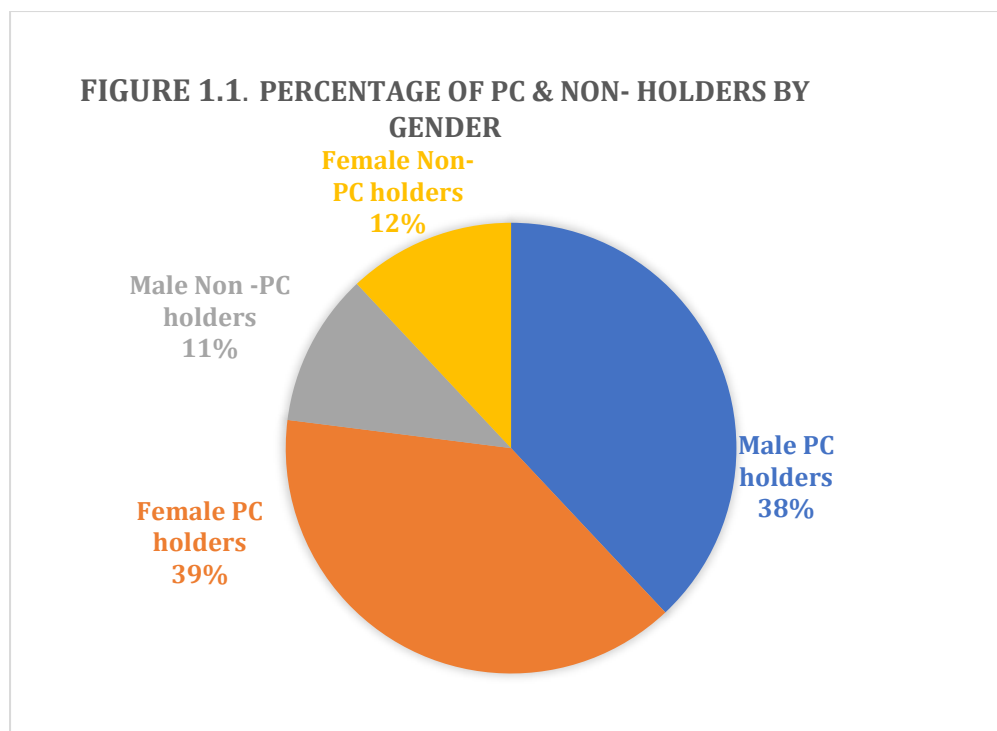
Sources: Law Society Annual
Statistical Reports, 2014-2018

A consistent increase is noticeable across all fields within the table except the number of private practice firms registered with England and Wales. Although there was a decline in the number of registered private law firms in the year 2015, there have been slight increases in the last two years. The number of private firms rose from 9,430 in 2016 to 9,488 in 2017. There is a consistent increase in the total number of male and female solicitors holding practising certificates through the years from 2014 to 2017(Law Society ASR,2014-2017). As observed above, as at 31st July 2017, the number of all solicitors with PCs have increased by 2.5% (Law Society ASR, 2017).

Percentage of Solicitors on the Roll by Gender and Practising Certificate in England and Wales as at 31st July 2017

Table 4 shows that there were 69,629 male solicitors and 69,995 female solicitors who held PCs as at 31st July 2017. The report revealed that there was an increase in the number of women PC holders.

Figure 1.1 below shows the percentage of male and female solicitors with and without PCs for the period ending 31st July 2017.



Source: Law Society Trends in the solicitors' profession Annual Statistics Report 2017

The distribution of solicitors by gender in Table 3 above, shows a close range between men and women who are in practice. Women solicitors with PCs constituted 39% and males represented 38%. As can be seen from the data above, 49% of male solicitors are on the Roll while a total of 51% of women are also on the Roll in England and Wales. The current ASR of 2017 reveals that women on the Roll and those with PCs have out-numbered men in England and Wales.

Past annual reports for 2015 and 2016 as shown in Table 2 did not show significantly wide margins in the number of male and female practitioners in practice. Therefore, a reasonable expectation that both men and women solicitors who are in private law practices should all experience career progressions over a period up to partner levels need not be a surprise.

1.8.1 Distribution of Solicitors by category of employment in England and Wales.

It is worthy to mention that not all solicitors on the Roll are required to hold practising certificates during each annual practice year (Solicitors Act 1974). Only those in active law practices are required by the Solicitors Regulatory Authority to do so annually.

Some solicitors remain on the roll despite not engaging in active legal practice. These include solicitors that are yet to apply for PCs and those employed in organizations that do not require the holding of PCs. Retired solicitors and women on Maternity or child care leave may not hold PCs but remain on the Roll of Solicitors (Solicitors Act, 1974). Such individuals are allowed by the SRA to stay on the Roll and can return into practice by obtaining Practising Certificates.

Other solicitors who are not practising in private law firms are those who work in-house in commercial organizations, industrial firms, within the government and elsewhere. The Law Society ASR of 2017 indicates that as at 31st July 2017, a total of 27,767 male and female solicitors were employed outside private law firms. The table below shows the actual percentages of men and women in the various categories of legal employment in England and Wales.

Table 5. Distribution of Practising Certificate holders by category of employment in 2017

Type of employment	Men %	Women %
Private Practice in England & Wales	77.1	71.7
Other Private practice Excluding those in foreign firms & Locums	4.4	2.4
Other PC holders In-House	18.5	25.9
Total	100%	100%

Source: Law Society Annual Statistics, 2017

Table 5 indicates that majority of solicitors with practising certificates are employed in private law firms across England and Wales. The Number of In-house practitioners remains reasonably low when compared to those in private practices. Those in other types of private practices constitute the lowest at 4.4 per cent for the year 2017.

1.8.2 Geographical distribution of Solicitors in private practice in England.

Although this research was focused on the disparity in male and female representation at partner level in private firms in England, a further insight was gained by considering the geographical spread of practising solicitors in private law firms. Although many are

situated in London, there are others located in other regional cities like Manchester, Birmingham, Bristol, Guildford, Leeds and Newcastle (ASR, 2017).

Table 6 below is a compilation of the current data of solicitors according to the geographic location by the Law Society.

Table 6. Geographic Distribution of Solicitors with Practising Certificates in England and Wales (2007 to 2017)

Geographic Location	Total No of PC holders in 2007	Total No of PC holders in 2017	Percentage change in 10 years
Greater London	39,510	56,829	+44%
City of London	18,004	29,092	+62%
Rest of London	21,506	27,737	+29%
South-East London	11,677	13,347	+14%
Eastern	7,026	6,906	-2%
South-West London	5,463	8,542	+56%
West Midlands	7,596	8,303	+9%
East Midlands	4,393	4,892	+11%
Yorkshire & Humberside	7,144	8,239	+15%
North -West	11,357	14,127	+24%
North -East	2,949	2,929	-1%
Wales	4,791	3,743	+7%
Outside England & Wales	3,016	9,735	+103%
Unknown		2,032	-33%
Total	108,407	139,624	-29%

Source: Law Society ASR 2017

The table shows statistics from 2007 to 2017. In the 10- year period, the number of solicitors with PCs in Greater London increased significantly. From Table 6, it can be seen that more solicitors with PCs practice in London than in other cities in England and Wales. There were increases in the number of PC holders in the Midlands but not as much as that of Greater London. All remain regulated by the Solicitors Regulation Authority.

1.8.3 Distribution of Solicitors by Ethnicity in England and Wales

Every year, the Solicitors Regulation Authority and Law Society monitor diversity trends by obtaining data from registered law firms in England and Wales. The latest annual statistics reveal a continuous rise in the number of practitioners from ethnic

minority networks. Below is a report of BAME solicitors and white European Solicitors as recorded.

The 2017 Law Society report warns that the published statistics on ethnicity is not conclusive due to non-registration by newly enrolled solicitors on the SRA website. It states that the ethnic profile of 69% of those newly enrolled as solicitors in the 12 months before 31 July 2017 were not included (Law Society Annual Statistics Reports, 2017).

Table 7: Ethnicity of Solicitors on the Roll and those with practising certificates as at 31 July 2017

Ethnic group	No. of Solicitors on the Roll by Year		No. of Solicitors with PCs by Year		Percentage of Solicitors with PCs by Year	
	2016	2017	2016	2017	2016	2017
African Caribbean	1,172	1,191	927	930	79.1	78.1
Asian	13,390	13,857	11,090	930	82.8	82.4
Chinese	3,540	3,614	1,709	1,738	48.3	48.1
African	2,619	2,709	2,008	2,063	76.7	76.2
Other ethnic origins	4,282	4,448	3,411	3,530	79.7	79.4
All Ethnic Minorities	25,003	25,819	19,145	19,674	79.7	76.2
White European	128,003	129,608	100,220	99,369	78.3	76.7
Unknown	22,145	26,541	16,811	20,581	75.9	77.5
Total	175,160	181,968	136,176	139,624	77.7	76.7

Sources: Law Society Annual Statistics Reports of 2016 & 2017

Even though the number of all ethnic minorities with PCs, summed up to 19,674 which is minimal when compared to those from White European background, records indicate that more Ethnic minority solicitors are holding PCs (ASR, 2017). In 2016, the total number of all ethnic minority members holding PCs was 19,145 and this increased to 19,674.

Generally, the number of solicitors holding PCs continues to rise among all ethnic origins. It is also worthy to state that the ethnicity data for the year 2016, excludes 58% of those admitted to the Roll in the 12 months to 31 July 2016 (ASR, 2016). Similarly, ethnic data excludes 69% of those admitted to the Roll in the 12 months to 31 July 2017(ASR, 2017).

The report as shown in Table 7 above, confirms the findings in previous studies that solicitors of white European origin constitute a majority within the profession in England and Wales (Aulakh, Charlwood, Muzio, Tomlinson & Valizade, 2017; Ward, Winterfeldt & Moran, 2012). A total of 129,608 solicitors from White European origin were on the Roll and 99,369 of these, held PCs.

1.8.4 Age distribution of male and female Solicitors holding Practising Certificates in England and Wales

Recorded statistics of both male and female solicitors in practice have been highlighted in the preceding pages. Knowledge about the age ranges of male and female solicitors was deemed necessary in understanding why there is a continuous difference in the number of male and female solicitors who become partners in law firms. The Law Society ASR, 2017 confirms that there is an average age-gap of six and a half years between male and female solicitors. Female solicitors in practice are on average younger than their male colleagues as shown in Table 8 below.

Table 8. Age ranges of Male and Female Solicitors holding Practising Certificates in England and Wales.

Age Ranges	Male Solicitors with PCs	Female Solicitors holding PCs
25 and under	316	505
26-30	5,983	10,017
31-35	9,672	15,822
36-40	10,474	14,173
41-45	9,848	9,880
46-50	9,695	8,035
51-55	7,870	5,820
56-60	6,552	3,529
61-65	4,969	1,602
66-70	2,746	465
71 and older	1,504	145

Source: Law Society Annual Statistics Record 2017

From Table 8 above, the age difference is more pronounced within the age range of 31 to 40 years. Within this range for instance, there were 15,822 female solicitors with

PCs while there were 9,672 male solicitors also in practice as at 31st July 2017(Law Society ASR,2017).

However, the record points to the revelation that male solicitors stay longer in practice than female solicitors. From 60 years and above, the number of female solicitors starts to decline. Within age- range of 61 to 65 years, more male solicitors remain in practice. There were 4,969 male practitioners and only 1,602 female practitioners within this age range.

The number reduces further over the years and shows that from 70 years and above more men continue to practice. The statistics show that 1504 male solicitors who are above 70 years of age were recorded as PC holders as against only 145 female solicitors. The impact of these on the lower number of female partners in law firms have been considered during the research study.

1.9 Current status of law Partnership progression in law firms in England and Wales

Every year in the UK, an almost equal number of male and female solicitors of different races, religion and sexual orientations are admitted onto the roll of solicitors by the Solicitors Regulation Authority(SRA) of England and Wales, following a successful two-year practical training programme in diverse areas of law in private firms. The SRA and Law Society, through their Annual Statistics Reports, provide yearly data of solicitors who are on the Roll in England and Wales regardless of their gender, ethnicity, religion, or sexual orientation. These annual reports provide objective overviews of past and current status within the legal profession in England and Wales (Law Society Annual report, 2016). As at November 2017, the percentage of female partners in large firms was 29% (SRA Report, 2017).

Table 9 below, shows the gaps between the number of male and female partners across law firms from 2013 to 2017 as recorded by the Law Society ASR over five years.

In 2013, there were 66,806 men and 60,871 women solicitors who held PCs in England and Wales, (Law Society ASR, 2013). Between 2014 and 2017, the number of male and female solicitors on the roll and those who are in practice remained very close as shown in Table 4.

However, when the data of male and female partners in law firms in England and Wales are considered, there emerges a pattern showing a consistent wide gap between the two genders.

Table 9. The number of Male and Female Law Partners in England and Wales from 2013 to 2017.

Description /Years	2013	2014	2015	2016	2017
Male Partners	26,879	30,987	38,499	20,082	19,884
Female partners	8,115	7,985	8,098	8,105	8,241

Sources: Law Society Annual Statistics Reports, 2013 to 2017

An observation of the data in Table 9 shows that the number of female partners has not increased significantly like that of male partners.

In 2015 alone, there were 38,499 male law partners in England and Wales. The number of male partners dropped to 20,082 in 2016 and then further down to 19,884 in 2017. The drop in the current number of male partners has been attributed to the economic slump and uncertainty in global commercial practice situation that has prompted many large law firms to limit their expansion and promotions (SRA Report, 2017).

Despite the reduction in the number of male partners, they continue to outnumber female partners (Law Society ASR, 2017). The gender imbalance at the partner level remains at a ratio of two to one. There is, therefore, a need to identify the actual cause of this situation. The statistics of the current state of law graduates and trainees were perused to view the picture at the entry points of the profession where the career ladder begins.

1.9.1 Statistics of Law Graduates and Trainees in the UK.

The Law Society maintains a similar annual account of law graduates and trainees in England and Wales as a measure to monitor the progress of inclusion. The previous report of July 2016 showed that out of the total number of 17,855 UK students (excluding 4,910 overseas students), there were 12,060 female students (67.5%) and

5,795 males (32.5%), respectively (Law Society ASR, 2016). Current annual statistics report of July 2017 produced a similar trend with the population of female law graduates (8,626) out-numbering those of men (5036) respectively (Law Society ASR, 2017).

The situation is not different when the records of male and female law trainees in law firms across England and Wales are analysed. These reports indicate an almost equal ratio of male to female graduates made up also of different genders, diverse races, ethnicities, religions and sexual orientations (Law Society ASR, 2016). As of 31 July 2016, out of 5,728 solicitor trainees, 3,566 (62.3%) were female while 2,162 (37.7%) were male.

The pattern of higher population of female trainees did not change in 2017. The annual records revealed that out of 5719 trainees, there were 3,638 (62.3%) female trainees as against 2,081 (37.7%) male trainees (Law Society ASR, 2017).

Therefore, it is a natural expectation that the statistics on career advancement in private practices, which indicates the promotions within and up to law partnership positions in law firms in the UK should illustrate a similar gender-balanced diverse outlook (McGlynn, 2000; Moran, 2006, 2013; Sommerlad, 2016; Ward, Winterfeldt & Moran, 2012). The balance in male and female partnerships, however, has not been the case irrespective of several regulatory and professional strategies by the Solicitors Regulatory Authority (SRA) in the last decade.

In the light of the above as disclosed, current regulatory and professional initiatives and examples of good practice in law firms within the English Jurisdiction have been examined in the preceding section to show how much of those strategic initiatives have impacted the career prospects of female solicitors in small, medium and large firms in England and Wales. This discussion includes both jurisdictions because most statistical reports are jointly produced.

1.10 Current international, national diversity and inclusion initiatives: Impact on good practice and the gendered disparity at partner levels within private law firms in England

1.10.1 International diversity and inclusion initiatives

The researcher has always believed in the pronouncement by the Organisation for Economic Co-operation and Development (OECD) that “gender equality is not just about economic empowerment, it is a moral imperative” (2012, p.13). The OECD Charter emphasized that “it is about fairness and equity and includes many political, social and cultural dimensions. It is also a key factor in self-reported well-being and happiness across the world” (2012, p.13).

The fundamental rules of equality advocate that everyone with requisite skills and competence, irrespective of gender, ethnicity, religion and sexual orientation, should be able to maximize their potentials and capabilities to attain their career advancement goals in their chosen professions.

At the global level, the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the Optional Protocols view the lack of female advancement in all spheres of life as a major global issue and have consistently engaged in efforts to reduce such discriminatory practices (UN General Assembly 3 September 1981). CEDAW, originally established as part of the United Nations Human Rights Commission in 1946, was ratified and adopted by the UN in December 1979 and came into force in September 1981. The Convention also became known as “The international bill of rights for women” (Byrne & Freeman, 2011, p. 2). The UK is among 99 countries and 188 states that are signatories to this convention to the exclusion of the United States, Iran, Nauru, Somalia, Sudan and Tonga. The implication of the UK being a signatory means it must protect the rights of women (CEDAW Charter, Article 1, 1981). Each signatory is expected to enact anti-discriminatory rules against women (Article 2 of CEDAW, 1981).

Article I of the CEDAW charter specifically and explicitly provides that the following:

For the present Convention, the term ‘discrimination against women’ shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and

women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.

(CEDAW Charter,1981).

1.10.2 National (United Kingdom) diversity and Inclusion Initiatives

The government of the UK has embarked on the enactment of various domestic laws and regulations in line with the UN Convention's provisions to attempt to eradicate gender-based discrimination at all levels including the workplace. The statutes focus on women, men, the LGBT network, the disabled. Over the last four decades, the UK government has embarked on the promulgation of various anti-discriminatory laws and regulations in the UK to reflect the UN charter and CEDAW provisions. These laws and regulations include:

- i. Disability Discrimination Act 1995
- ii. The Sex Discrimination (Gender Reassignment) Regulations (1999)
- iii. Employment Equality (Religion or Belief) Regulations 2003
- iv. Employment Equality (Sexual Orientation) Regulations 2003
- v. The Gender Recognition Act (2004)
- vi. Employment Equality (Age) Regulations 2006
- vii. Equality Act 2006, Part 2
- viii. Equality Act (Sexual Orientation) Regulations 2007

These laws attempted to prohibit overt discrimination in the broader society at the time and extended to employment practices which appear fair on the surface but are discriminatory in actual application in the UK. In 2010, all the Acts mentioned above were repealed and amalgamated to become the Equality Act 2010. The Equality Act of 2010 became the reference point for UK government bodies, institutions organizations, regulatory bodies and employment agencies to act upon, in compliance with Article 2 of the CEDAW provisions.

Article 2 of the Convention requires member states to entrench such laws in their domestic laws (CEDAW Regulations 1981).

As part of the UN and CEDAW obligations on member nations, the UK government's domestic policies and laws have influenced local institutions to promote rights of women through the principle of equality for all. Section 44 of the Equality UK Act, 2010 specifically provides that there should be no discrimination in the appointment of partners in any form of employment. The Equality Act 2010 has been adopted by the SRA and its provisions regarding equality are binding on law firms that practice in the UK. Section 44(1) of the Equality Act 2010 also provides that a firm must not discriminate against a person in the arrangement it makes for deciding whom to offer a position as a partner and as to the terms on which it provides the person a place as a partner.

Section 44(2) of the Equality Act 2010 further provides that a firm must not favour or disfavour one individual over another in the course of such an appointment by affording or preventing access to opportunities for promotion, transfer or training or for receiving any other benefit, facility or service. Similar provisions for the attainment of equality and diversity in law firms and among solicitors can be found in Chapter 2 of the Solicitors Regulation Authority Code of Conduct (SRA Code, 2011, Vol.19).

The quest for the promotion of the rights of women and all other individuals is evidenced in the adoption of the Equality Act 2010 by the SRA as a strategy to promote diversity and inclusion within the legal profession in the UK (Chapter 2, SRA Handbook, Version 19, 2017 & Section 9 of SRA the Solicitors' Code of Conduct, 2011).

The provisions of the Equality Act 2010 are also clearly explained by the in the Solicitors Practice notes as a reminder to practitioners (Law Society Practice Notes, 2nd May 2012).

1.10.3 Equality and Diversity Initiatives and Strategies by the Solicitors Regulation Authority in England and Wales

The Solicitors Regulation Authority has been relentless in the encouragement of best practices among all registered law firms in England and Wales. Since October 2011, the SRA has introduced and implemented outcomes-focused regulations (OFR)

towards enforcing best practices within firms. The aim is to produce quality outcomes that will promote diversity and equality at all levels within regulated law firms.

Chapter 2 of the Solicitors Regulation Authority Code of Conduct (SRA Code, 2011, Vol.19) echoes the adoption of the principles of the Equality Act 2010 and emphasizes on the need to pursue equality and diversity by all firms including in England and Wales. The chapter sets out mandatory outcomes and non-mandatory Indicative behaviours (IBs). The provisions of the section, regulate the conduct of all solicitors including partners and their employees, registered European lawyers, recognised bodies, their managers and employees, licensed bodies, their managers and employees (SRA Code 2011).

Rule 6 of the Solicitors' Code of Conduct, 2011 lays down principles and mandatory obligations towards achieving and maintaining equality and diversity within the profession. The rules have been made to prevent undue discrimination and exclusions within the firms.

Rule 6(1) of the Solicitor's Code (2011) expressly provides that no one within the profession should suffer discrimination on the basis of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. It therefore, forms the basis upon which any act of discrimination is to be prohibited.

1.10.3.1 The Solicitors Regulation Authority Equality and Diversity measures for registered law firms in England and Wales

As stated earlier, in pursuance of equality and diversity, the SRA has designed the Solicitors Code of Conduct (SCC) to ensure law firms and employees prevent discriminatory behaviours on the grounds of race, sex, sexual orientation, maternity religion or belief, age or disability. These are also known as 'prohibited characteristics' under Part 2, Chapter 1, Sections 4-12 of the Equality Act, 2010. Part 2, Chapter 2 consists of anti-discrimination acts otherwise known as 'Prohibited conduct' (sections 13 to 19 of the Equality Act, 2010).

All recognised and licensed bodies are mandated to have a compliance officer for legal practice (COLP). The duty of these officers is to ensure compliance of the regulations within their respective law firms. The position of a COLP strengthens the need for compliance of outcome-focused regulations by the SRA. Such COLPs are expected to have reasonable access to management systems and other relevant information such as client files and business information. The purpose is to empower them to supervise and ensure that the principles of equality and diversity are fully complied with within the law firms in which they practice.

The SRA Code also provides that all firms must have a written equality and diversity policy in place and should be made accessible to all employees. The purpose is to ensure that their employees/practitioners are well aware and informed of such equality and diversity policies and measures in their interaction with fellow practitioners and clients. All law firms are also mandated to create a safe working environment for all devoid of harassment, bullying and exclusions.

The expected outcomes from the equality and diversity principles as stated in Chapter 2 of the SRA Code 2011 on Equality and Diversity has been reproduced in Appendix 10 of this thesis.

The SRA additionally requires firms to equally empower their staff through adequate training on how to deal with discriminatory behaviours at work while encouraging them to engage in best service to their clients as per the provisions of the Code. Chapter 2 of the SRA Code 2011 further deals with equality and diversity during recruitments. Firms are mandated to adopt recruitment and employment approaches that encourage equality of opportunity and respect for diversity.

The provision also covers the treatment of disabled managers, practitioners and clients. Disabled managers, employees or clients are not to be placed at a substantial disadvantage in comparison with an able individual. The SRA Code on equality and diversity mandates that reasonable adjustments must be made when necessary and such costs of adjustments to these disabled clients, employees or managers are not passed on to them.

Rule 6(3) of the SRA makes it mandatory for all firms to comply with the E & D policies and measures.

The provisions of the SRA Code extend to measures to be adopted by all firms towards the achievement of equal treatment with regards to complaints also. Requirements for complaints of discrimination and fair considerations within all law firms imply that they are to deal with such complaints promptly, fairly, openly and effectively.

As part of effective compliance monitoring, the SRA has authorised routine visits by SRA officials to law firms within England and Wales. These visits are meant to identify indicative behaviours within firms that can identify compliance or non-compliance with the equality and diversity measures and policies by such firms. This is in addition to the responsibilities bestowed on COLPs and other managers of the firm.

Recent reports by the SRA recorded an improvement in the overall sector within the legal profession, but the SRA also confirmed that the problem of achieving true diversity at senior levels persists in some firms (SRA Diversity data report, 14 February 2018).

1.10.3.2 Gender Pay Gap and Equality Measures

Part 5, Chapter 3 of the Equality Act 2010 consists of the Equal Pay Act that aims to ensure equal pay for men and women in employment across the UK and is overseen by the Equality and Human Rights Commission. As a further measure of ensuring equality within the legal profession, the SRA has made it a part of its regulation with the adoption of the Equality Act 2010. The provisions of the gender pay therefore also apply to solicitors who work in Law firms.

Section 78 of the Equality Act 2010 was enacted to prevent such discriminatory policies on wages by UK based employers with effect from 6th April 2017 (Equality Act 2010). All such employers in the UK have been directed to publish six key calculations, (mean and median gender pay gap figures, the proportion of men and women in each quarter of their pay structure and bonus pay gap details) on both their firm's websites and a recommended government site. Law firms with two hundred and fifty employees have also been required to submit annual reports of their pay structure with effect from April 2017.

Section 78(2)(a) provides a loophole for many firms because the provision only requires firms with two hundred and fifty employees and above to render annual

accounts of such pay structures. This implies that law firms with a lower population (less than 250 employees) will not be obliged to disclose their wage structures. About one-third of UK's top 50 firms have published their figures in their reports (Legal Week publication 14th February 2018). These include magic circle firms like Slaughter and May, Linklaters, Freshfields, Clifford Chance and Allen and Overy.

All five magic circle firms recorded significant gender pay difference where male practitioners were being paid more than their female colleagues. At Allen and Overy male practitioners were paid 24.4% more wages than females for the financial year April 2017 to April 2018. Slaughter and May LLP paid 38.5% higher, Linklaters reported a 39.1% higher pay over those of women and Clifford Chance reported a 37.2% higher wages for men.

Others include Traverse Smith, Addle-Shaw Goddard, CMS and Taylor Wessing, to mention a few.

Traverse Smith LLP revealed that an average hourly pay for female staff is 14.7% lower than men, while bonus paid to male practitioners on average was 37.8% lower for women (Financial Times, 19 March 2018; The Legal Week Report, 2018). Addle Shaw Goddard reported an average hourly pay gap of 23.8% in favour of men with average bonuses paid to men being 43.2% higher than those for women (Legal Week, 2018).

The HR director of Travers Smith, Moira Slape attributed the existence of the gender pay gap to the occupation of more junior roles by female associates while more males occupy senior business services roles. Niki Lawson, HR Director of Addle-Shaw Goddard, gave a similar reason for the gender pay gap. She explained that the pay and bonus gaps arise because of a higher proportion of females in lower-paid administrative and junior roles and more men in senior positions.

These revelations by Niki Lawson and Moira Slape, support the findings of some scholars that the legal profession has been feminized and has subsequently led to an increase in the number of female practitioners at the lower levels of large firms with lower wages (Bolton & Muzio, 2007; McGlynn, 2016; Sommerlad, 2016; Sommerlad & Sanderson 1998; Thornton, 2016).

It has been reported that some large firms are resisting requirement to provide annual records of pay structures that included equity partners (Financial Times, 19 March 2018). The argument presented by law firms is that the remunerations of equity partners are based on profits, therefore, could not be seen as wages. Also, it has been reported that some law firms are yet to comply with the requirement to provide these reports.

Section 78 of the Equality Act, 2010, has no sanction for defaulting firms. The lack of punishment is likely to render the provision of the Act weak and ineffective. The Equality and Human Rights Commission may find it difficult to enforce compliance with this law. Furthermore, the provision seems too limited, as it is likely to affect mostly large firms to the exclusion of medium and small-sized firms that employ less than 250 employees.

Recently, many large law firms in England have chosen to review their wage structures in an attempt to eradicate gendered inequalities within the profession. The extent to which such measures can alter the current situation of disparities within the profession, especially at senior levels, remains questionable.

To ensure equality and diversity within firms, the SRA has consistently embarked on outcome focused regulations and initiatives which includes the requirement by firms to render annual equality and diversity accounts to the SRA. It is believed that through this medium, the SRA can monitor the impact of the equality and diversity initiatives on firms. It also provides a means to conduct appraisals of policies and strategies where necessary.

As a way of meeting with changing times and needs, the SRA also in conjunction with the Law Society often undertake detailed mapping surveys and embark on other research schemes which provide details about the circumstances that pertain to solicitors within the profession.

These surveys on equality and diversity began in earnest between 2009 and 2010 when the Law Society commissioned three distinct studies that examined professional issues faced by female solicitors, those from BAME and LGBT networks. The aim was to identify barriers that solicitors belonging to these groups have encountered or may encounter during their legal careers. The studies on BAME found a gap in pre-

qualification information management (Law Society Report, 2009). Those within the BAME network lacked the requisite knowledge to prepare themselves for entry into the profession and the challenges ahead while in practice. It revealed that many LGBT practitioners did not enjoy many social interactions with other members in the profession(Law Society Report, 2010).

Another survey conducted in 2010 on women solicitors by the Law Society revealed existing negative stereotypes against female solicitors and resistance to flexible working which slowed career advancement and retention.

Since then, several surveys have been sponsored to identify problems areas while many schemes have also been set up to tackle these problems found within the profession. These include among others, the Diversity and Inclusion charter, Schemes and forums for women, the disabled and those along ethnic lines.

1.10.3.3 Diversity and Inclusion Charter 2009

The Diversity and Inclusion charter was established in 2009 by the Law Society, British Telecoms and the Society of Asian Lawyers. The charter aims to promote the values of diversity and inclusion in recruitment, retention, career progression, training and development of legal practitioners regardless of their background or circumstances.

Accompanying the Diversity and Inclusion Charter are protocols which are designed to assist law firms that are signatories to the charter. The protocols act as guiding principles to enable charter signatories to comply with principles of the charter.

The following schemes were also established: Equality and Diversity Scheme, Law Society Corporate Responsibility Scheme, Diversity Access Scheme, The Diversity Monitory Scheme and The Law Society of England & Wales Lesbian, Gay, Bisexual and Transgender (LGBT) Division.

A brief discussion of each of the schemes below indicates the extent of equality implementation strategies and initiatives that are being undertaken by the SRA and Law Society in England and Wales.

1.10.3.4 The Law Society Corporate Responsibility Scheme

This scheme involves the collaboration of UK-based law firms and corporations with the Law Society to ensure that best practice policies and principles promoting equal opportunities are sustained within their law firms. As at July 2018, 490 UK firms of diverse sizes and practice areas have signed up for the Diversity Inclusion charter for promoting corporate responsibility and equal opportunities (Law Society Gazette, 2018).

The list includes both global/large, medium and small UK firms. The law firms are being implored to improve their employment of women and individuals from the ethnic minority groups as well as those from the LGBT group. The participating firms are required to provide annual statistics and biennial reports to the Law Society to show progress made so far. Since 2011, there have been incentives by the Law Society to recognize those firms that have improved their equality and diversity policies by granting performance awards to them.

Winners of the Law Society Excellence in Equality Diversity Awards declared by the Law Society include Slaughter and May (2017), Reed Smith LLP (2015), TLT LLP (2014), Clifford Chance LLP (2013), AMV Law (2012) and Paul Hastings LLP (2011). They were awarded for employing more practitioners and trainees from BAME and LGBT network [Law Society Report 2017]. Since the inception of the Excellence Awards in 2011, no medium or small-sized firm has won the award. Only individuals from small and medium-sized have done so in their individual capacities.

These awards raised the curiosity of the researcher as to the implication for small and medium-sized firms where a reasonable number of solicitors practice. It is to be pointed out that some small and medium firms are also signatories to the Diversity charter.

The initiative has created awareness and a platform for knowledge sharing through the Diversity Monitoring Scheme (Law Society Report, 2016).

1.10.3.5 The Law Society Diversity Monitoring Scheme

The Law Society Diversity Monitoring Scheme (2016) is an offshoot of the Law Society's Equal Opportunity and Diversity Initiatives. The aim is to help firms identify their diversity inclusiveness and provide a means of improving such where necessary. The Diversity Monitoring Scheme undertakes an annual inspection of firms by giving firms the opportunity to submit their diversity data. the aim is to monitor and improve the resource management of firms to create a fair and balanced professional life and career advancement opportunities within their firms.

The Solicitors Regulation Authority (SRA) in conjunction with the Law Society has established direct corporate relations since 2009 with small, medium and large practising firms in England and Wales. They provide guidance and support on better inclusion policies, procedures, recommendations and implementation strategies of such best practices on diversity within their firms (Law Society Report on Diversity, 2017).

Through the scheme, the progress of the inclusionary incentives being put in place could be monitored. As at 2016, 467 UK firms have signed up out of 9,430 registered firms in England and Wales (Law Society Annual statistics Report 2016). The effort of these firms has improved the situation about diversity to an extent, but slow female career progression especially at partner levels continues.

1.10.4 Law Society's Diversity Access Scheme

The effort by the SRA in the UK to create an equal platform for career progression of solicitors (irrespective of gender, ethnicity, or sexual orientation) also extends to entry points of the profession.

The importance of the DAS scheme was highlighted by Neil Buckley, the Chief Executive of UK Legal Service Board. He stated in the foreword of the 2017/2018 Legal Service Board Business Plan, "I cannot emphasise enough just how important improvements in diversity are to the future of the profession and, in turn, to the judiciary. This is an issue that has to be tackled not solely at entry level, where there

is a happy story emerging, we also need to make sure that action is taken to address diversity differentials in relation to progression to senior levels within the profession.” (Legal Service Business Plan 2017/18, p. 4).

The Legal Service Board oversees other regulatory organs including the Law Society as mandated under Part 1 of Schedule 4 of the 2007 Act. Neil Buckley’s summation of the current situation justifies the area of interest.

The diversity drive at the top echelon of the legal career particularly those of female solicitors still requires more contribution through new knowledge to trigger more improvement. This research will also necessitate reconsideration of good practices by law firms on the positive impact such diversity initiatives will have on both male and female BAME and LGBT solicitors who have experienced prejudices over the period (Ward, Winterfeldt & Moran, 2012). It will help to reduce prejudices against them, enabling firms to discuss more openly how to include male and female LGBT solicitors while accepting that their sexuality does not define their professional competences.

1.10. 5 Law Society Equality and Diversity Initiatives towards BAME solicitors, women and disabled solicitors

The Association of Women Solicitors in the UK made up of all female solicitors practising in the UK continues to support the Law Society Women’s Division to ensure that vital news and regulatory and management information are disseminated to female practitioners.

- **Disabled Solicitors’ Support Group**

Similar inclusion measures have been put in place for disabled solicitors who constitute three percent of the solicitor population. This is to enable them to benefit from the diversity and inclusion scheme run by the Law Society in the UK (Law Society Diversity Scheme).

1.10.6 The Interlaw Diversity Forum (IDF)

The IDF was initially formed in 2008 by Daniel Winterfeldt, a member of the UK Law Society Equality & Diversity Forum and Judicial Advisory Diversity Council. With tremendous support received from Professor Leslie Moran (also a member of the Equality and Diversity Committee in the UK), the forum has since grown in capacity to include more members of LGBT legal and corporate professionals in the UK (Ward, Moran & Winterfeldt, 2012). The Forums website confirms that it has since widened its scope beyond LGBT and also strives to promotion diversity and inclusion of race and ethnicity, disability and social mobility.

The purpose of the scheme is to encourage firms to recognize the existence of LGBT members within their establishments and to also focus on their career progression needs. IDF currently has over 3,000 members from over 70 law firms, 45 corporate and financial institutions (IDF, Report, 2017).

1.11 Impact of Law Society Diversity and Inclusion Initiatives and Evidence of Good practice among law firms in England

The diversity and inclusion initiatives have undoubtedly promoted, to an extent, the inclusion of members of the LGBT and disabled solicitors into mainstream legal recognition. It also has attracted attention on the need to socially recognize and respect the sexual preferences of other practitioners (Law Society Diversity report, 2016; The Lawyer 2017). Large city firms like J.P. Morgan LLP, Clifford Chance, Hogan Lovell LLP, Freshfields Bruckhaus Deringer, Travers Smith LLP, Eversheds, Leigh Day, Kingsley Napley Slaughter & May and Reed Smith are all now proudly engaging in best practice initiatives involving LGBT legal professionals. (Stonewall Top Diversity Employers report, 2017).

As a result of the diversity and inclusion initiatives by the SRA, law Society and scholarly contributions, the employment of female solicitors in large and global UK firms has slightly improved. (Women in Law Report, 2016). Some UK firms like Hodge Jones and Allen, Leigh Day, Balser Mills, Boodle Hatfield, Kingsley Napley, as shown in Table 10, are featured among the top ten law firms who improved their employment capacity of women and those from diverse backgrounds (Women in Law report, 2016)

Table 10 below, shows the UK regional, national and large-sized firms that are applauded for engaging in best practice. They are deemed to have adhered to the Equal opportunity and diversity scheme as promoted by the Law Society in compliance with the 2010 Equality Act of the UK.

Table 10 Percentage of Female Trainees, Associates and Partners in selected ten large law firms in England

The table indicates a percentage of most female partners, associates and trainees in the respective law firms. it depicts a picture of increased female associate presence in most of the ten law firms.

Most female Trainees	%	Most female Associates	%	Most female Partners	%
Arnold & Porter	100	Kingsley Napley	82	Hodge Jones & Allen	64
Blaser Mills	89	Hodge Jones & Allen	81	Leigh Day	67
Akin Gump	83	Ashford	77	Balser Mills	55
Blandy & Blandy	80	Winckworth Sherwood	75	Boodle Hatfield	50
Freeths	79	Blaser Mills	74	Kingsley Napley	50
Collyer Bristow	78	Bevan Brittan	73	BLM	49
Steven & Bolton	78	Trethowans	72	Government Legal Service	48
Ropes & Gray	77	Freeths	71	Blandy & Blandy	45
Wedlake Bell	75	Hewitsons	71	Withers	42
Higgs & Sons	73	BP Collins	70	Veal Wasbrough Vizards	41

Source: (Chambers Student, 2018)

Some law firms have done better in diversity inclusion than others over the years. In 2016, Leigh Day and Kingsley Napley had the highest number of female partners in England. However, in 2017, they have been displaced as leading firms within the Diversity and Inclusion league board by Hodge Jones and Allen LLP, a law firm founded in 1977 by Henry Hodge, Peter Jones and Patrick Allen. Hodge Jones and Allen LLP have become the London-based large law firm with forty-six partners (thirty female and sixteen male partners) (Hodge Jones & Allen LLP, 2017). The firm specializes in civil liberties, clinical negligence, crime, dispute resolution, employment, family, housing, personal injury, wills and probate where many female solicitors are found clustered (John Hyde11, Law Society Gazette, 11 October 2017).

1.12 Gaps in the Law Society diversity and inclusion initiative

There is more data about large-sized firms than small or medium-sized firms within the English jurisdiction. Accountability by firms is not made compulsory as it is not mandatory for firms to produce their annual diversity data. The lack of a mandatory requirement to provide such data can create a loop hole for those firms who failed to comply with the diversity and inclusion requirements. They can choose not to provide their annual data in order to conceal the firms' poor diversity history.

Medium and small-sized law firms are often not fully featured in reports even though some of them are signatories to the Diversity Monitor Scheme. This is why statistics on current partner rates are seldom available for small and medium-sized firms in England.

1.13 Structure of the thesis

Chapter I consists of the initial aspects of the research that explains the problem of low representation of female partners in England. It also states the purpose of the study, the aim and goals of the researcher. The scope, focus and limitations were addressed in the chapter. The chapter goes on further to explain the motivation for the research and provides a preview of the qualitative methodology utilized to collect, analyse and interpret the research data. The section then describes the structure of several types and sizes of law firms under study.

The chapter additionally presents the current state of knowledge about the impact of gender on female career prospects to the post of a partner in solicitors' firms in England and Wales. In order to understand the extent of demand for diversity and equality, the effort by international organizations(OECD),national UK Government and the regulatory body (SRA) in their bid to eliminate discriminatory practices were presented. Specifically, the elimination of exclusionary practices within the legal profession through several diversity and inclusion outcome focused regulations by the SRA were discussed. The rest of this thesis is organised as follows:

Chapter 2 provides a comprehensive review of previous literature on the position and progression of women within the UK legal profession which includes the English jurisdiction. Through the reviewed body of prior researches, gaps were identified in the area of study which the researcher has filled by examining female marginalization not only in large law firms but also across medium and small law firms. The three theoretical frameworks extracted from the literature underpinned the research. It also assisted the researcher to design the research questions that generated the empirical data for analysis. The three theoretical frameworks further facilitated the critical reflection on the current state of knowledge, policy and practice.

Chapter 3 consists of an in-depth description of the Qualitative methodology used in this research. The chapter outlines the choices and justification of the Qualitative research methodology, the research design and process in detail. The chapter also discusses the ethical considerations and acts of reflexivity as engaged during the study.

The section illustrates and explains the processes followed in the recruitment of participants, describes the sample group, the justification of sample design and the conduct of semi-structured interviews for data collection. It explains and justifies the use of a thematic analytical method underpinned by an inductive approach to generate empirical research data while presenting limitation in the methodology chosen and expressing compliance with research ethics.

Chapter 4 presents the research findings from the empirical data extracted from participants who practice in the two selected large law firms in England. The empirical data is displayed as they address and answer the three research questions respectively. The chapter has been presented with the main themes and sub-themes as they emerged from the thematic analysis. Some of the data have been reproduced verbatim to show the exact content of the data.

Chapter 5 also presents the empirical data as obtained from participants from three medium and two small law firms in England. just like the presentation in chapter 4, this chapter states the analysed data. Some of the data are stated verbatim to throw more light on the themes as they emerged while others have been summarized. The thematically analysed data addresses issues within their respective firms and subsequently provided answers to the three research questions.

Chapter 6 constitutes a critical discussion of the findings across large, medium and small law firms in England. This has been done through the engagement of the empirical data, the theoretical framework that underpinned the research and in the light of the reviewed literature.

Chapter 7 concludes the thesis with an overview of the study with the research findings as revisited. As a contribution of the existing body of knowledge, various recommendations have been made. The section presents policy measures for reforms directed at the Solicitors Regulation Authority, Law Society and management of the different law firms. Also, suggestions for aspiring partners on how to overcome some of the barriers found within the promotion process were indicated in this chapter. Self-help strategies for different law firms and individual professionals have been presented in this concluding chapter.

A new promotion to partner model is suggested as a further contribution to existing knowledge in this concluding chapter. The adoption of a promotion to partner model which encourages a competence-based quota system for male and female partnership aspirants is recommended for law firms. The purpose is to eliminate biased promotions which leave women less represented at the partner level. The limitations of the research and proposal for future studies conclude the thesis.

CHAPTER 2

LITERATURE REVIEW

2.1 Introduction

The chapter consists of a review of the literature on the area of study. The literature includes previous research studies, journals, annual reports, scholarly articles and SRA regulations, codes and principles of best practice. All of these highlight the problems of unequal representation and marginalization of female solicitors within the legal profession in England and Wales.

The knowledge gained from the literature review led to the identification of three theoretical frameworks which became a foundation of the study. These include the Social Constructionist theory (Elder–Vass,2012), Role Congruity Theory of Prejudice (Eagly & Karau, 2002) and Preference Theory (Hakim, 2000, 2004). The detailed review further highlighted the gaps in the current state of knowledge, policy and practice in research interest and provided the researcher with the opportunity to use this study to fill such gaps.

As part of the literature review, partnership roles in small, medium and large firms were considered to provide a better understanding of the current trend. Also, the criteria for promotion to partner position in private law firms were reviewed in detail. The purpose was to provide an insight into the requirements of the position and to highlight the expectations and challenges involved in the process of becoming a partner. Two categories of partnerships were revealed in the literature. These are equity and non-equity(salaried)partners (Rose, 2017). The implication of the categorization has been discussed in this chapter also.

The promotion processes in small, medium and large law firms were reviewed in detail and considered due to the absence of fixed promotion to partner models or guidelines by the Solicitors Regulation Authority in the UK. The lack of a promotion model has

left law firms to create their promotion to partner guidelines to align with their firms' goals (Jarret- Kerr, 2011).

2. 2. Partnership paths in Small, Medium and Large law firms in England.

This section presents the paths to partnership in the different law firms in England and provides a basis for a clear understanding of the complexity and demands of the position.

2.2.1 The Distinct Types of Career Paths into Law Partner Positions in Large, Medium and Small Firms in England

The different routes to law partnership across small, medium and large firms have been incorporated to indicate the changing trend in the appointment systems within law firms in England and its implication for prospective male and female law partners.

2.2.1.1 The Lock-step model as a partnership path in law firms in England

Before the enactment of the Legal Service Act, 2009 that prompted the ABS structure, only qualified lawyers were appointed as private law firm partners (Feenan, Hand & Hough, 2016; Malhotra, Morris & Smets, 2010). Such partner appointments were made mostly through traditional competitive career progressions or by a direct lateral appointment following at least some 5 to 8 years' post qualification experience (PQE) (Galanter & Palay, 1990).

The "lockstep model" of appointment of partners was identified to occur in all sizes of firms. The model operates in a way whereby all equity or founding partners who joined the firm in the same year are automatically appointed and remunerated equally irrespective of experience or ability (Nguyen, 2017). A structure where the profit shares of equity partners increase in line with their seniority within the firm. The "lockstep model" is becoming side-stepped among medium and large firms in favour of non-

equity (salaried) partner appointments especially in non-ABS firms (Nguyen, 2017). ABS firms also engage in direct appointments alongside internal promotions to accommodate non-lawyer capital investors.

Feenan, Hand and Hough (2016) confirm that the "lockstep model" still retains its popularity among the majority of small firms particularly those with a high percentage of ethnic minority and female lawyers.

2.2.1.2 The Tournament Model as a path to partnership in law firms in England

Most of the scholarly contributions on law firm structures disclosed that before the advent of ABS structure in 2009, appointment to partner paths in large, medium and small traditional law firms required at least a 6 to 8 years post qualification experience (PQE). This requirement was in addition to the required human, social and cultural capitals. (Feenan, Hand & Hough, 2016; Galanter & Palay, 1990; Malhotra, Morris & Smets, 2010).

Traditional law firms used this model to promote some senior associates based on their human capital development after a set period. These became non-equity salaried partners but could eventually become equity partners through intensely competitive revenue yields. Those who become appointed due to their financial contribution to the firm became eligible and entitled to share a percentage of excess capital raised for the firm through bonuses. Galanter and Palay (1990) pointed out that the tournament model has the advantage of enabling firms to recover training costs through associate contributions. However, the same tournament model has been criticised by some scholars on the basis that it prompts a gender pay gap and leads female solicitors to opt out faster. Professor Boon (2014) of City Law School, City University, London believes the tournament model creates a highly competitive male-oriented culture among cohorts and therefore cause more female practitioner opt-outs.

Professor Boon's views corroborate the findings of Malhotra, Morris and Smets (2010) following their qualitative study of 10 UK-based large law firms during which they examined the adaptation of promotion models by professional services. Their study

revealed that despite an absence of overt opt-up or opt-out policies, the tournament model's operation created such trends and affected more women than men.

A new trend of alternative career advancement route was identified in medium and large firms where new designations such as "Of -Counsel" and "Professional Support Lawyers" are being utilized (Malhotra, Morris & Smets, 2010; Wald, 2016). These are senior practitioners (mostly female) who are deemed unsuitable for partner appointments but whose services remain vital to the firms. For that reason, they are retained instead of being dispensed outright (Wald, 2016). Kumra and Vinnicombe (2010) posit that these new designations are barriers to advancement to partner positions because those appointed 'Of Counsels' have no chance of diverting back into the partnership path.

Sommerlad (2007) and McGlynn (2002) are of the view that these new designations target women and are subtle means of marginalizing female solicitors because most female solicitors will find the less challenging work demands more attractive in order to balance home and work- lives. They opined that those female practitioners who would have been able to compete to attain partner positions in such firms are likely to opt into these paths and thereby miss opportunities of becoming partners. Malhotra, Morris and Smets (2010) argued that the position is open to both male and female associates and does not explicitly target female associates only. To Malhotra, Morris and Smets (2010), "changing career paths are not the necessary evil but creates a win-win solution to accommodate work-life preferences of staff and enhance innovation capacity for the firm" (p.370). Sommerlad (2016) disagrees that it creates a win-win solution because such alternative paths have profound implications for the opportunities of women and minority lawyers who are most likely to adopt such non-partner routes.

Collier (2015) believes that such non-partner routes might attract both men and women because male practitioners do require work-life balances also. Collier based his assertion on his findings from the qualitative interview-based research he conducted in six large corporate law firms in the UK. His study sought to understand how the high demand and commitment expected from male lawyers affect their well - being. Collier (2015) concluded that despite initiatives being put in place to instigate work-life balances, alpha males are also "cracking up" in a competitive, long hour

neoliberal workplace" (p.2397). Thus, some men, in large law firms, might want to opt into such non-partner routes even though they are hindered from openly expressing the challenges they face on the job. Collier (2015) blamed masculine stereotypes and assumptions for the continuous silence of male practitioners about work pressures they face. Collier (2015) also is of the opinion that female solicitors who do not have the ambition or are unable to become partners will fare better if they opt into such non-partner roles.

The recent statistics on female partners in small, medium and large firms are a testament to the low number of female partners in many law firms. Susan Blakely (2009) emphasized in her book, "Best Friends at the Bar: What Women Need to Know About a Career in the Law" that although partnership is not for everyone in the face of work-life balance challenges, some female lawyers have succeeded in becoming partners while growing their families. She suggested that all they should do is to adjust their work-life patterns in favour of work to achieve their goals.

Susan Blakely's (2009) claim that some women still become partners is buttressed by recent studies about the state of affairs within the profession in the UK. In a very recent mixed method (qualitative and quantitative) mapping survey commissioned by the Law Society and undertaken in the UK using data collected between 1970 and 2016, scholars from the UK University of Leeds and Newcastle (Aulakh, Charlwood, Muzio, Tomlinson & Valizade, 2017) confirmed that female progression has improved especially among white women lawyers. They also opined that more still needs to be done to measure up with the rate of progression of male solicitors in general. Several law firms in 2017 and 2018 have announced the elevation of a few senior female solicitors into partner positions in the UK as published by The Lawyer News Publication (2018).

Reed Smith LLP, a global law firm, promoted three females out of five solicitors to partner positions in their London office. Globally, the firm promoted ten female solicitors and 23 male solicitors in total. The ratio of female to male partners when considered corroborates the opinion of several scholars that the problem of the unequal number of partner appointments between men and women still demand a further solution.

2.2.1.3 Non-lawyer (investor) partnership route for ABS law firms in England

The third and current promotion partner path is the “non-lawyer investor” model, which is a product of ABS. In the UK alone, there are currently over 500 small, medium and large licenced firms practising as ABS law firms (Law Gazette, 17 September 2017). Irwin Mitchell LLC was one of the first large London-based law firms to be granted the ABS licence (SRA News Release, 20 August 2012). The firm comprises 60 solicitors, five non-solicitor members, 75 salaried partners and 20 non-solicitor-directors and associate-directors.

Two medium-sized UK high street firms that were granted ABS licences in 2012 were Bristol-based Co-operative Legal Services Limited and Oxfordshire based Welch and Stammers Solicitors. A small pioneer firm, Lawbridge Solicitors Ltd., obtained an ABS licence and transformed its structure from being a sole practitioner to a firm of two partners. The other non-lawyer being the spouse of the previous sole owner (SRA News release, 2012). Other large firms that have engaged non-lawyers to manage and work alongside solicitors include Mishcon de Reya LLP, Weightmans LLP and Kennedys LLP (Rose Walker, ‘The UK Legal Week Daily News’2017).

It was reported that Gateley LLP, Gordon Dadds LLP and Keystone Law LLP have recently floated their law firms on the UK stock exchange (Legal Week, 28 November 2017). Lately, major large US law firms with offices in London have also enjoyed the ABS arrangement to meet the highly competitive commercial and corporate business demands of elite corporate clients (The Lawyer, 16 November 2017). The US international law firm Cahill Gordon & Reindel was the first in 2015 to convert its London office to an ABS law firm.

With these structural changes, an overhaul of the traditional law business model has occurred in some law firms (Aulakh, Charlwood, Muzio, Tomlinson & Valizade, 2017; Feenan, Hand & Hough, 2016; Wald, 2016). One of such impacts is the gradual erosion of the traditional “lockstep model” of partnership. A testament to this claim is the recent appointment of two non-lawyers to senior equity partner positions among others by the UK law firm Mishcon de Reya LLC (The Lawyer, January 2018). Another implication of the new ABS structure is that some senior associates now wait longer

for partnership opportunities which get filled directly by non-lawyer investors (Ashley & Empson, 2011; Feenan, Hand & Hough, 2016).

2.2.2 Distinction of Partner roles in medium and large law firms in England

There seem to be different perspectives about the structure of partners in law firms. Some scholars have claimed that "there is no hierarchy among partners, but only between partners and associates. (Thorner, 1987: p.651). Jarrett-Kerr (2011) suggested the existence of a hierarchy among partners. He did this by differentiating the roles of the senior partner and the managing partner in large and medium law firms. It was observed that the aims and objectives of the senior and managing partners as stated by him do differ respectively.

According to Jarrett-Kerr (2011), the goals of the senior partner in a large firm are to develop the profile of the firm, make choices about markets to engage in, the facilitation of inter-partner relations, to lead and support the managing partner. He posits that the role and objective of the managing partner are more robust and involves the day to day running of the large firm.

The role of the managing partner involves the direct management of the firm which includes a duty to ensure the economic performance of the firm through the establishment of a strategic vision while maintaining efficient and effective management (Whelan, 2008; Stark, 2008). Bearing in mind the hyper-competitive nature of large corporate and commercial law firms, Whelan (2008) says the roles of partners have transcended beyond acting in their traditional capacities. Partners in large law firms now raise capital by getting listed on the stock exchange to float shares through public trading. Whelan (2008) and Stark (2008) confirm this by asserting that the unprecedented global competition in the legal marketplace has rendered most large law firms similar in outlook and role.

Jarrett-Kerr (2011), who is a strategic international legal and business adviser based in the UK, did not specifically indicate if the stated roles of partners were synonymous

with large, medium, or small firms. He did differentiate between the responsibilities of senior and managing partners as discussed below.

2.2.2.1 Role of a senior partner in medium and large law firms in England

In most medium and large law firms, the senior partner is selected by other serving partners to lead them. This position usually lasts for three years until renewed or relinquished by the incumbent (Law Society Gazette, 17 November 2017). Senior partners look at the future and decide on the long-term strategy and growth of the firm regardless of its size (Fouzder, 2017).

Their responsibilities as stated by Jarrett-Kerr (2011) have been explained in detail below for better comprehension. The aim is to envision the challenges aspiring male and female solicitors may face if appointed to partner positions during their law careers.

The responsibilities involve chairing all meetings of the firm's partners when necessary. Jarrett-Kerr (2011). The senior partner represents the firm, in the external market-place, acts as the ambassador and spokesperson while managing inter-partner relationships. The responsibility involves the provision of counselling, advisory, coaching and mentoring services to the other serving partners.

Where it is an incorporate law firm regulated by the SRA, the role confers upon the senior partner the responsibility to act as the link and a moderating influence between the board and the partners. The aim is to assist the board, the managing partner and the executive management team in the development and implementation of the firm's strategy while also taking part in the partner appraisal programme.

As can be seen from the roles enumerated above, the senior partner continues to make the most decisions as it affects the overall business strategy of the firm.

2.2.2.2 Role of the Managing Partner in Medium and Large Law firms

The management of a Law firm has been described as multi-engaging because the managing partner remains in direct overall control of the operations of the firm's employees (fee earners, associates, trainees and non-legal staff) while also meeting the responsibility to other partners (Jarrett-Kerr, 2011; Rose, 2017).

The managing partner in the medium or large firm also ensures the effectiveness of other salaried partners and fee-earners in the delivery of profit, client care. The partner makes sure that the firm operates within its estimated periodic budget. Additional responsibilities include the task of hiring, undertaking performance assessments, appraisals, employee discipline and terminations, coordination and supervision of mentoring and training needs of solicitors and trainees (Jarrett-Kerr, 2011; Rose, 2017). Since the managing partner has the direct contact with solicitors and potential partners, this role was deemed necessary in the research. The reason is that the managing partner undertakes most of the preliminary assessments for promotions and so he/she most often, determines how the promotion models inherent in such a firm is implemented.

2.2.2.3 Roles of all other partners in medium and large law firms

Within the hierarchy and below the senior and managing partners, are the rest of equitable and non-equitable partners whom all have similar responsibilities toward the firm's success.

Rose (2017) identified the responsibilities of other partners to include people and client relationship management, leadership, team and skills development. The responsibility also involves client sourcing and origination, revenue yields and accountability.

Rose (2017) explained that in previous years when law firms were less competitive, medium and large firms were pre-occupied and satisfied to have four different categories of partners which included "Finders" (those who sourced clients and legal work), "Minders" (those who catered for the legal work), "Binders" (those who managed the work and clients) and "Grinders" (those who only turn out legal work). However, with the high commercialized nature of law and competitiveness among

large and medium firms, a partner is now espoused with the obligation to become all at once. With little room for a division of roles, partners have become more arduous because more is expected from each partner.

A detailed review of the role of partners within the law firms was vital because it guided the researcher during the selection of the research sample. It also guided the type of questions during the semi-structured interviews. Understanding the different roles provided a “SWOT” (strengths and weaknesses, opportunities and threats) analysis of law partner positions in medium and large law firms.

2.2.2.4 Role of Partners in small law firms in England

Small law firms include firms with 2 or more partners (Solicitors Act 1974 amended to Legal Services Act (LSA) 2007). Many small firms operate the “monarch” type of structure where one or more founding partners run the firm with all other subordinate lawyers below them.

Despite the scarce literature on small firms, there was not much difference between the roles of partners in small, medium, or large law firms. The main difference was in the structure and area of practice. The number of partners in small firms are usually fewer in number and do not engage in much of international or global practices. Some small firms do have senior partners as well as managing partners. Where the firm is very small with two partners, the role of senior and managing partners are divided between the two partners. The roles remain similar although on a small scale.

2.2.3. Impact of gender on leadership roles of female solicitors in large and medium law firms in England

Most previous studies in the career progressions of female solicitors and other legal professionals disclose that leadership opportunities and partnership roles are seldom within the reach of many female solicitors (Ashley, 2010; Ashley & Empson, 2013; Bolton & Muzio, 2007; Collier, 2015; Feenan, Hand & Hough, 2016; McGlynn, 1998;

2000, 2002; Sommerlad, 2007; 2012; 2016; Tomlinson, Valizade, Muzio, Charlwood & Aulakh, 2018; Ward, Winterfeldt & Moran, 2012).

All the scholars have consistently expressed their concern over the legal work process that entails working long hours, hyper-competition, high demands to create revenue, to ensure client origination through networking. They also point out that irrespective of these work- demands, female solicitors are not empowered the same way as their male colleagues to meet the set challenges.

The consensus is that male practitioners work harder than females across all large firms. The literature points to the fact that female solicitors experience poor mentoring opportunities, poor case allocation mechanisms, biased work schedules which render them unable to display the actual level of competence (Bolton & Muzio, 2007; Collier, 2015; Feenan, Hand & Hough, 2016; McGlynn, 2000; 2002; Sommerlad, 2007; 2012; 16; Sommerlad & Sanderson, 1998).

As far back as 1998, Professor Clare McGlynn, stated that "popular culture in UK law firms often equates the law with men and masculine attributes thus, creating a predominance of male lawyers in senior positions" (The UK Times Higher Education Supplement, 23 October 1998). McGlynn (1998) identified the existence of significant institutionalized barriers and stereotypes which negatively impacted female legal professionals' career advancement prospects. She decried the existence of a single masculine gender paradigm that obscures the presence of the female solicitors who belong to a different category.

McGlynn (1998) is at the forefront of other scholars who maintain a consensus about the existence of an assumed neutral, masculine gender that dictates the culture and practices in large law firms. McGlynn (1998) traced the prejudices inherent within the male-oriented culture in large law practices to social constructs that portray female legal practitioners who fail to fit into the masculine mould as less objective, non-resilient and less committed. These women practitioners were deemed less assertive and incapable of holding leadership positions within the law profession.

Also, in 1998, Hilary Sommerlad and Peter Sanderson were commissioned by the Law Society to initiate a longitudinal study using a total of 47 female solicitors in England. The study was conducted between 1980 and 1990 to identify the reason why a large

number of female solicitors were withdrawing from law practice. Evidence gathered over the course of the period by both scholars disclosed the existence of a significantly non-diversified, less inclusive and biased legal profession structured according to gender, race and class which prompted female solicitors to quit the profession.

Their findings pointed to the existence of an ethos of working culture and career structure which diminished the interests of female practitioners, especially those returning" back into legal practice following a break from practice. They also found that gendered discriminatory practices and prejudices were inherent within the UK legal profession and extended to entry points of the legal profession (1998). Their research, at the time, exposed the dominance and privileging of masculine cultures that were inhibiting the majority of female practitioners from advancing to partner positions in England and Wales. Sommerlad and Sanderson's longitudinal research became a framework that underpinned several other studies and works regarding the imbalance within the UK legal profession.

McGlynn (2000) further developed her work based on Sommerlad and Sanderson's 1998 study and similarly confirmed that problems within the law profession were embedded in stigmatizations and assumptions about a general lack of female commitment and an under-valuation of female leadership abilities. McGlynn's work revealed the existence of a legal profession where many female solicitors who exhibited feminine traits like childbearing /rearing responsibilities were considered to be incompetent, undedicated and so not suitable for leadership or partnership positions with large firms.

Sonya Leydecker, the joint Chief Executive Officer of international UK law firm, Herbert Smith Freehills LLP, in an interview with Caroline Bingham, a legal correspondent with the UK Financial Times stated that "there has been quite a lot of unconscious bias, with people promoting in their image" (March 2014). Her statement confirmed that majority of senior male lawyers, support and inspire more male practitioners than females due to their prejudiced assumptions about female lawyers. Sonya Leydecker explained that senior executives and partners tend to promote practitioners who are of similar gender as themselves to the detriment of the opposite female gender. The masculine model of success remains the predominantly accepted norm within these firms.

Some female solicitors resort to role-playing whereby they assume male identities and characteristics that blend with the accepted masculine gender. (Ashley & Empson, 2013; Prescott & Bogg, 2013; Sommerlad, 2007; Phelan, Moss-Racusin & Rudman, 2008). Phelan, Moss-Racusin and Rudman (2008) identified these traits by women as agentic.

2.2.3.3 Feminization and its impact on female solicitor leadership roles and opportunities within large law firms

Feminization within large law firms was pointed out by Bolton and Muzio (2007). They correctly identified feminization within large law firms whereby the stratification, segmentation and segregation of female solicitors at the lower cadre are said to be the practice in large law firms in the UK. The claim by Bolton and Muzio (2007) echoed the earlier findings of Sommerlad and Sanderson (1998).

Like Sommerlad and Sanderson (1998), Bolton and Muzio (2007) argue that clustering of female solicitors at the bottom of the firms' hierarchy in response to diversity and inclusion policies are depriving such female practitioners of undertaking challenging proper work roles. As such, their human capital is not appropriately being utilized in those firms. While Bolton and Muzio (2007) perceive the clustering of female practitioners at the lower cadre as a deliberate attempt by the elites in large law firms to marginalize women practitioners, Ashley (2010) posits otherwise. In her study of 5 London-based large and global law firms, where she explored career advancement opportunities of women lawyers, she found that such structural arrangements are not deliberate acts by the male elites of the firms. She pointed out that external client demands determine most of those practices in large global firms. Ashley explained that large firms react to the needs of their global clients which includes a preference for male practitioners during professional engagements.

While accepting the prevalence of gendered disparity, it is necessary to point out that not every firm views female solicitors as incongruent for the roles of partners. Some firms like Leigh Day LLP and Kingsley Knappley LLP have improved their female partner capacity to a 50–50 male-female composition (UK Chambers Student Report, 2017). Also, some medium and small High Street firms have experienced an increase

in the number of female partners and ethnic minority male practitioners (Aulakh, Charlwood, Muzio, Tomlinson & Valizade, 2017).

The literature revealed that there is a positive change in the diversity characteristics to an extent. A Law Society sponsored mapping study undertaken by Aulakh, Charlwood, Muzio, Tomlinson and Valizade (2017) which focused on the career progression of cohorts enrolled between 1970 and 2016 discovered this positive change in diversity characteristics. This study is also known as the Law Society Mapping Report (2017). The report showed an improvement in the inclusion of ethnic minorities (BAME) and female solicitors at entry levels but less improvement in the promotion and appointment of female solicitors to partner positions. This report echoed the findings of earlier findings from diversity and inclusion studies (Sommerlad, Webley, Duff, Muzio & Tomlinson, 2010: 2013: 2016; Webley & Duff, 2007: Tomlinson, Valizade, Muzio, Charlwood & Aulakh (2018), Ward, Winterfeldt & Moran, 2012).

Even though the qualitative research was not a gender-specific study, the outcome revealed a familiar trend of poor partnership prospects for women and minorities across large, medium and small firms in England and Wales. Large corporate firms as at 2017, constituted 18.6% of the total number of firms in the UK and 70% of those in partner positions within these large firms are found to be white males (Law Society Mapping Report, 2017). The remaining partners who make up 30% are spread across those from various minority ethnic origins (BAME) and a handful of white females (Law Society Diversity Mapping Report 2017).

Collier (2013) agreed with the argument of McGlynn (2000: 2002:2005), Sommerlad and Sanderson (1998) on the concept of masculine- gendered practices being used to marginalise female practitioners in large firms. He also agreed that the assumptions which are predicated on the existence of a single and "neutral" masculine culture and structures in large law firms are not fair to all. Collier (2013) explained that the masculine culture and masculine identity of law have "deleteriously impacted on female lawyers' promotion, recruitment, retention and pay differentials" (2013, p.414). He invariably pointed out that the masculinity of men within the UK law profession is misconstrued and might be over-rated following his study of two large law firms in the UK.

The study of Collier (2013) focused on senior lawyers who are also fathers that were practising within two large UK law firms at the time. He explored the strengths and limitations of masculinity as experienced by the six participants within the large firms. Collier (2013) concluded that the picture might be more complicated than any simple correlation between masculinity and law because the meanings and assumptions attached to masculinity in law are often paradoxical and contradictory.

Collier (2013) also argued that despite the constructs of men's competences especially in large law firms, some agentic women could still perform better when given equal opportunity. Phelan, Moss-Racusin & Rudman (2008) had in earlier research explored how the ability of agentic female professionals was being perceived concerning professional work competences. The research evaluated how male and female agentic managerial applicants were considered on dimensions of competence, social skills and hire-ability. They found biases in the evaluation process of agentic female applicant by adding little weight to those skills and competencies in which they were proficient. Instead, they highlighted and added more weight to those of the male applicants. This act supports the notion that evaluators often shift job criteria to favour men whether or not such women possess those competencies.

A recent article by Tomlinson, Valizade, Muzio, Charlwood & Aulakh (2018), confirmed that the problem of unequal representation and integration within the legal profession in the England and Wales remain the same.

2.2.3.2 Impact of Gender on the roles of female solicitors in small law firms

The impact of gender on leadership roles in small law firms may not be significantly different from large and medium-sized firms. The only difference seems to lie in the work culture which is less demanding and so provides opportunities for work-life balances.

Many small firms engage in private client work compared to medium and large firms who engage in more complex and large-scale practices locally and internationally (Collier, 2013). Long hours are not mandatory but minimal. Some male and female practitioners who are currently practising in small law firms are said to have opted- out

of medium and large law firms to establish small firms of their own (Aulakh, Charlwood, Muzio, Tomlinson & Valizade, 2017).

Gender identity as observed from the literature review influences female career roles and progression up to partner level in most large firms (Bolton & Muzio, 2007; Collier, 2013:2015; McGlynn, 2000, 2016; Sommerlad, 2007: Tomlinson, Valizade, Muzio, Charlwood & Aulakh, 2018). There is little literature on the situation in small and medium-sized firms.

A review of the literature on the criteria and guidelines for promotion to partner positions across law firms in England and Wales provided a basis for more explicit analysis during the research. Hence in the next section, a detailed review has been provided on this aspect of the study.

2.3 Criteria /Guidelines for Promotion to Partner Position in law firms in England.

The advancement to equity or non-equity partner position reflects the overall talent strategy and future revenue sources for the firm (Malhotra, Morris, & Smets, 2010). It also becomes an integral element in the corresponding long-term business strategy of that firm. The formulation and implementation of such business strategies would demand an elevated level of resourcefulness (Hillman,2005). Rose (2017) emphasised that partnership evaluation and determination are vital but must be rational.

These criteria for the promotion to partner positions in private law firms below were obtained from the works of UK-based legal professionals and law management consultants such as Rose (2017), Nick Jarrett-Kerr (2011) and Brian Allingham, (2004). As noted, most law firms utilize similar guidelines and criteria (Jarrett-Kerr, 2004).

Rose (2014) has clarified that all law firms expect their prospective partners to work harder and so continue to evaluate performance accordingly. There are no fixed promotion criteria entrenched in the regulations either by the Solicitors Regulation Authority or Law Society of England and Wales. So, the criteria or guidelines are left

at firms' discretion and tailored to achieve each firms' strategic development and goals.

From the literature reviewed, it seems that a range of factors underpins the criteria for promotion to partner position within private law firms in England. Partners recognize that an associate may not meet all the criteria, so they consider outstanding candidates who can display strengths in the majority of the requirements (Jarrett-Kerr, 2011). Section 44 of the Equality Act 2010 emphasizes on the need to be fair in the appointment of partners in firms without any discrimination. Thus, the criteria for the appointment of partner positions have been reviewed in the light of the equality and non-discriminatory requirements. The purpose is to understand how well the appointments within law firms have been undertaken so far which has not yet yielded the equality sought at the partner levels within the legal profession in England.

2.3.1 Economic consideration as a criterion for promotion to partner level in medium and large law firms in England

This criterion includes the ability to meet and sustain the projected strength of the practice area of the firm. It requires a prominent level of economic considerations that form the power base of the firm.

Economic considerations include a history of long, productive hours, high billing rates, ability to sustain a high productivity level at a partner's billing rate, case origination and the ability to self-support (Rose 2017; Jarrett-Kerr, 2011).

- **Long hours in Medium and Large Firms**

These criteria reflect the profit-based business-case paradigm that most law firms have adopted as a basis for being involved in the diversity and inclusion initiatives in England. Wald (2015) says "working long hours in large law firms is common" (p.2510) while other scholars posit that it is viewed as the primary criterion for partnership (Sommerlad, Webley, Duff, Muzio & Tomlinson, 2010). However, such long hours

have been criticised by scholars who believe that the impact on practitioners creates problems in their personal and work lives (McGlynn, 2016: Feenan Hand & Hough, 2016: Wald, 2016: Webley, Tomlinson, Muzio, Sommerlad & Duff (2016).

In 2010, the UK Trade Union Congress (TUC) found from a study based on the Office of National Statistics' *Labour Force* survey of 40,000 people that nearly half of UK lawyers, including corporate managers, worked long hours of unpaid overtime than every other profession except teachers (Law Society Gazette, 2010).

Scholars who argue against the negative impact of the criteria that requires extended hours in law firms posit that it does not take cognisance of the differences in the responsibilities of men and women (Ashley & Empson, 2013: Kay, Alarie & Adiei, 2015: McGlynn, 2000: Sommerlad & Sanderson 1998). They argue that the long and billable hour requirements discriminate against female solicitors who have the parental and gendered duty of childbearing, child rearing and home care. They argue that unlike female solicitors, men are less encumbered with family caring roles and thus are indisposed to the long hours' culture. Their availability creates the impression that they

Long working hours have also been associated with a rise in a state of poor well-being of solicitors in the UK (Baron, 2015; Collier, 2014, 2016; Law Care, UK). Professor Cary Cooper, a stress expert at Lancaster University Management School, UK says the risk of working long hours is not just confined to those who work more than 60 hours but affects those that put in more than 45 hours per week. According to him, a consistent 45hour daily work week has the propensity to damage one's health, physically and psychologically. It has been identified that the UK has the second-longest working hours in the developed world, just behind the United States of America and Japan. Law Care, a UK- based organisation that caters to the well-being of legal professionals, has confirmed that female professionals have received support more than male solicitors since its inception.

The Association of Women Lawyers (AWS) disagree with the notion of less commitment by female solicitors due to the times taken off for childbearing. Their study of female solicitors' career challenges showed that 80% of female solicitors were pleased with their profession but experience inadequate management support after

parental leave. Sommerlad and Sanderson (1998), Kay, Alarie & Adiei (2015) also argue that the expectation of constant availability discourages women professionals to compete and instead, opt- out to less demanding areas within the profession.

Some large UK law firms like Clifford Chance and Goldman Sachs have exhibited compliance with diversity and inclusion initiatives through balanced work policies and good practices which includes provisions for child care facilities for their employees (LexisNexis legal News, 2011). Gilbert (2011) says such on-site child care facilities will improve diversity and inclusion figures and increase the morale of male and female practitioners. Allison Maitland of the UK Financial Times Newspaper in discussing the impact of the Shared Paternity and Leave Act 2014 introduced by the UK Government as an anti-discrimination/equality initiative revealed that the paternity gesture is unappealing to most male workers (2014). The implication of this is that female professional will still be unable to put in the required long hours which is likely to affect their evaluation during promotion processes.

2.3.2 Economic demand as criteria for promotion to partner position in small firms in England: Long hours in Small law firms

Economic demand for the promotion to partner position in small firms includes also include long hours, billable hours, ability to sustain a high productivity level at a partner's billing rate and the ability to self-support as a criterion for promotion to partner level is also present within small law firms (Rose, 1999).

Unlike medium and large law firms, small firms encourage flexibility in work culture and so do not dwell profoundly on prospective partners to work long hours as a prerequisite for career advancement as much as the more prominent firms (Aulakh, Charlwood, Muzio, Tomlinson & Valizade, 2017). As their areas of practice are mostly private client and local, long hours to conduct international legal business are not very high. However, small firms require high billing for business survival. Most small firms charge fixed fees and so client generation is considered very necessary. The 2017 Mapping Report indicates a predominance of family-owned small firms who also

employ BAME practitioners despite having a very slow prospect of being promoted to partner positions.

2.3.3 Quality of Billable Hours in Small, Medium and Large law firms in England

Across the different sizes of law firms, revenue appropriation through quality billings remains one of the top promotion to partner level criteria.

Billing among others become more in demand to be placed on the partner track in traditional law firms (Feenan, Hand & Hough, 2016). Gender scholars have criticized the pressure arising from such demands. Duff and Webley (2004) had earlier describe it as the “commodification of the professional project that actively undermines the value placed on all solicitors” (p.2) Wald (2016) argued that the even though the demand for quality billable hours is a vital requirement, it also seems to be one of the challenges female solicitors face in their legal career.

A culture of consistent and fair case allocation can result in good quality billings. But several scholars all argued that the prevailing culture and structure in large firms created poor prospects for women to achieve such high bills (Ashley and Empson, 2013; Bolton & Muzio, 2007; McGlynn, 2000; 2002; Wald, 2016).

Ashley and Empson (2013), Sommerlad and Sanderson (1998) all found in their researches on large law firms in the UK, that case allocation systems were compromised against female solicitors in favour of their male counterparts. They found that due to negative stereotypes about women. They experience limited case allocation opportunities which simultaneously reduces their ability to meet billing targets. The result they say is a poor performance rating during evaluations and these deprive them of further promotion opportunities within their firms.

Some scholars dispute the argument of Ashley and Empson (2013) regarding the impact of structural and cultural biases against women which makes it difficult to produce high billings. Blakely (2009) and Fouzder (2014) argued that male solicitors perform better because they usually choose and practice in areas that yield high revenue. These specialist areas include corporate law, shipping and maritime law, Arbitration. Fouzder (2014) explained that many female solicitors are risk-averse and

opt for less challenging practice areas (Immigration & Asylum, Landlord and Tenant, children and family, domestic violence, criminal law) which generate less revenue. Fouzder and Blakely's argument can be interpreted to mean those female practitioners voluntarily choose their areas of specialism. Sommerlad (2016) posited that the choice of area of practice are necessitated by the firms right from the training stage where cohorts are made to choose from available seats.

The trend of feminization of the lower cadre by large firms as propagated by Bolton and Muzio (2007) and later by Feenan, Hand and Hough (2016) might play a role in this debate. Their views have highlighted the circumstances surrounding placements of solicitors at entry points into legal practices. They claim that some large firms who employ female practitioners place them at sections within the large firms where they are less likely to be exposed to challenging legal work.

Besides gender, other factors also influence the placement of male and female solicitors in large firms which can hinder high billings. Ashley and Empson's (2013) found that to comply with diversity and inclusion initiatives, some law firms in London accept solicitors from lower social classes but determine their areas of specialization and practice. This finding was previously argued by Collier (1998). Collier's earlier argument was that a solicitor's social class impacts placements in areas of specialization within large law firms.

In the light of the dissenting findings, it remains that the area of specialization can influence the ability to meet this criterion.

2.3.4 Longevity/Work-life expectancy as criteria for promotion to partner level in Small, Medium and Large law firms

Work-life expectancy is a prerequisite for promotion to partnership position (Jarret-Kerr, 2014). Most law firms regardless of its size, expect to have associates who can spend over 6 to 7 years with the firm after entry (Rose, 2017). The average post-training age of male solicitors is 29.7 years and 29.4 for female solicitors at the entry point (Law Society Annual Statistics, 2016). The average ages were higher before the

Milburn Review of 2009 under Prime Minister Tony Blair whose inclusion initiatives fostered unhindered entry of minorities into universities (Cabinet office, 2009).

The literature points out that age has a distinct influence on both male and female solicitors in several ways (Law Society Mapping Report, 2017: Feenan, Hand & Hough, 2016; McGlynn, 2003; Tomlinson, Valizade, Muzio, Charlwood & Aulakh, 2018).

McGlynn (2000) argued that the ages of female solicitors who are in practice, affect their performance and career advancement efforts. McGlynn further explained that the age factor is also likely to affect how they meet the promotion criteria. She stated that female solicitors maternal need to get married and start families of their own is one of the main challenges they face when seeking to meet the promotion criteria. This according to McGlynn is because, the period of competition for partner opportunities coincide with parental responsibilities of female practitioners. Therefore, while they often take breaks to start families, their male counterparts are consolidating their career stakes and so become more suitable for promotion considerations. Thus, she viewed this as a biased criterion because female returnees lose out with little management support. Webley and Duff (2007) argued that it creates a setback for women and makes it difficult for them to remain. Most female returnees who are not supported opt out and cut the lifespan of their careers (Webley, Tomlinson, Muzio, Sommerlad, & Duff, 2016).

Brodherson, McGee and Pires dos Reis (2017) suggested that the challenges of meeting the longevity criterion in small, medium, or large law firms could be vitiated by appraising internal policies. They argued that the widely used "lock-step," "Eat-what-you-kill," "originating credit" and leveraged pyramid top-line models which focus on high volume of financial compensation does not encourage lawyers to stay longer. They emphasized that it discourages those who are unable to meet the criteria and prompt them to opt out. They also suggested that internal policies of good practice like the recognition and support of maternal leave by female solicitors, might solve the problem of longevity and reduce inequality at the top.

2.3.5 Client Origination and relations as criteria for promotion to partner level in large law firms

Client origination is a key to career advancement and the key to success for any size of a law firm (Wald, 2010). Within some legal contexts, it is called “rainmaking” (Hanlon, 1999). A key criterion for advancement in large law firms is “rainmaking” which means the ability to bring in new business and clients (Hanlon, 1999). The type of client base also depends on the profile, culture and type of work of the firm (Ashley & Empson, 2013; Wald, 2010).

Irrespective of the size of the firm, prospective partners are expected to establish and maintain strong professional client relationships while equally promoting client -care (Ashley & Empson, 2013; Jarrett-Kerr, 2011; Rose, 2017).

This criterion has a definite advantage for those who possess the requisite social and cultural capital. Client origination is a vital aspect of business development and so constitutes a "business case" for all three types of firms. Business-case as a strategy of inclusion also thrives on good client origination for high revenue yields (Law Society Diversity Report, 2010).

The Law Society's reliance on the business-case strategy is predicated on the fact that employing women and those from the minority networks will encourage new business opportunities for their employers. However, this criterion may become challenging where a practitioner's social and identity capital determines the level of acceptance within the firm. The findings of Ashley and Empson (2013) indicated that the ability of a practitioner to have a vast client base also depends on acceptability within the firm. They argued that practitioners from lower social classes are likely to be prejudiced and not given the opportunity to meet and originate new businesses from prestigious clients. These prejudices, therefore, may place them at a disadvantage in meeting this criterion.

Additionally, the literature revealed that those from particular social classes are likely to attract prospective clients of similar backgrounds. For instance, practitioners from 'Russell Universities' are likely to enjoy such opportunities due to their network of friends and acquaintances (Ashley & Empson, 2013). The 'Russell Group' in the UK is made up of seventeen British research universities as formed in

1994(<https://russellgroup.ac.uk/>). These include University of Birmingham, Bristol, Cambridge, Edinburgh, Glasgow, Imperial College London, Queen Mary, Leeds, Liverpool, London School of Economics, Manchester, Newcastle, Nottingham, Oxford, Sheffield, Southampton, University College London and Warwick).

Current and previous researches continue to show this trend among law firms in England. Previous research by Ward, Winterfeldt and Moran (2012) found that large law firms favoured public educated professionals more than professionals from minority backgrounds. Recent research by Tomlinson, Valizade, Muzio, Charlwood and Aulakh (2018) also found that social background and class impacts on the progress of solicitors, but the effect seems to affect women and those from BAME groups. Thus, this criteria can also amount to a source of marginalization not only to females but minority practitioners from BAME. It, therefore, seems incumbent on aspiring solicitors to use their skills to perform as to attract the attention of management.

2.3.5.1 Client origination and relations as criteria for promotion to partner level in Small and Medium law firms in England

In medium and small-sized firms, client origination remains equally very vital. Associates are remunerated based on their power of attracting colossal client- base and revenue generation. The impact of identity capital is also seen to feature in medium and small firms (Ashley & Empson, 2013; Schultz & Shaw, 2003; Wald, 2015; Ward, Winterfeldt and Moran, 2012).

Law firms with many ethnic minority solicitors have the propensity to attract clients from similar ethnic groups. Small and medium-sized high-street law firms exploit this aspect to their advantage (Schultz & Shaw, 2003). The face-to-face private client relationship within small and some medium law firms encourages greater networking opportunities between solicitors and their clients.

The recent research by Tomlinson, Valizade, Muzio, Charlwood and Aulakh, (2018) studied different profiles of law firms and the impact of socio-economic stratification on the progression of solicitors within the profession in the UK. They found that

practitioners continue to be stratified by gender, ethnicity and socio-economic backgrounds and these influence the type of legal work undertaken by them (Tomlinson, Valizade, Muzio, Charlwood & Aulakh, 2018). Thus, it could be argued as found in the literature that the success of this criterion is subjective and does not depend only on competence or commitment.

2.3.6 Case management: The ability to handle complex matters with minimal partner supervision as a promotion criterion in Medium and Large law firms

A demonstration of good case management places a prospective candidate for partner position at an advantage because by so doing, partners can entrust high valued clients without fear of losing the instruction or portfolio (Rose 2014).

However, such a role will require a prior and adequate mentoring experience. When discussing this criterion, the finding of previous studies comes to mind. Malhotra, Morris and Smets (2010) in their study of how ten large UK firms were adapting their promotion model to new market pressure, explained the problems of adequate and fair mentoring opportunities in law firms. They emphasized that mentoring plays a vital role in the proficiency of legal professionals. However, Malhotra, Morris and Smets (2010) found the existence of a gap in the level of mentoring received by male and female practitioners. They also identified a lack of mentoring as a significant factor against female competences and success within law firms. Their study, further highlighted that, case management procedure was biased in favour of male practitioners and so place men ahead during promotions. As a result, the women are prompted to opt-out.

Handling of cases with minimal supervision requires expertise in the chosen field. Yet, results of the studies reviewed within the literature have consistently highlighted poor mentoring practices experienced by female practitioners. Mentoring is considered important in meeting this criterion because it equips the practitioner with appropriate and reasonable professional experience to manage cases with little supervision.

In both small and medium firms, the ability to manage caseload with minimal supervision is also a reliable criterion (Jarett-Kerr, 2014). Therefore, if practitioners are

not provided with the adequate support, it will be very challenging for them to show their capabilities (Tomlinson, Valizade, Muzio, Charlwood and Aulakh, 2018).

The lack of mentoring could create a cluster of females who have little experience to work without supervision (Bolton & Muzio, 2008). Those who have benefitted from mentoring opportunities would be able to meet the requirement. Evidence in the literature suggests that male solicitors are likely to benefit from such criterion due to the close working bonds formed between senior male partners and practitioners who are in the majority in most law firms (Malhotra, Morris & Smets, 2010).

Nalty (2016) warns about the influence of unconscious bias whereby professionals of similar gender gravitate more towards each other, thus, leaving out those of the opposite gender. She identified that this behaviour is prevalent within the legal profession and could lead to severe inclusions. Nalty (2016) labelled it the Affinity bias which attracts individuals of similar gender, behaviour and perceptions. The expectation of potential aspirants for partner positions to work with little supervision can be actualized from adequate and unbiased active mentoring opportunities. A lack of mentoring is a factor that could hinder the career advancement of practitioners who may become victims of such hidden unconscious biases within the firms.

2.3.6.1 Case management, ability to handle complex matters with minimal partner supervision as a promotion criterion in small law firms

In small law firms, the caseload might not be as challenging as those in medium and large firms due to the difference in the volume undertaken. Almost every private law firm aims to provide the best service to clients and also to maximize profit. Thus, the requirement by a prospective partner to exhibit a good case handling ability is unavoidable. The literature confirms that extent of mentoring and exposure to challenging caseload, impacts on a practitioner's legal knowledge and competence as stated earlier (Malhotra, Morris & Smets, 2010; Feenan, Hand & Hough, 2016).

In small firms, the proximity between senior and junior practitioners makes it easy for mentoring and supervision opportunities (Aulakh, Charlwood, Muzio, Tomlinson & Valizade, 2017). They also confirmed that "BAME males, females and some white

females, are all the least likely to become partners in regional mid-tier firms and slightly more unlikely to do so in large corporate firms” (p.50), so they are concentrated in small firms across the UK.

2.3.7 Possession of Professional skills as promotion criteria in Small, Medium and Large law firms

Rose (2014) posits that a senior practitioner or associate on a partner track must develop a professional identity within and outside of the firm. The professional identity should be enhanced in their areas of specialization. Such candidates are expected to excel in legal analysis, writing, oral communications, negotiating ability and the sound exercise of merit and judgment (Jarrett-Kerr, 2011; Allingham, 2004).

There is no doubt that both male and female solicitors are likely to have a similar level of professional skills or necessary human capital due to the legal education and training they undergo. Law Society Statistics (Raw data) 2016 indicated that female law students were acquiring university degrees more than men. On 31 July 2016, out of 5,728 solicitor trainees, 3,566 (62.3%) were females while 2,162 (37.7%) were male (Law Society Annual Statistics Report, 2016). The report gives the impression that both male and female should possess these skills.

However, the evidence from the literature indicates that possession of a professional skill can be influenced by other factors such as social class, culture, ethnicity and sexuality (Ashley & Empson, 2013; McGlynn, 2000; Moran, 2006, 2013; Sommerlad, 2016; Tomlinson, Valizade, Muzio, Charlwood & Aulakh, 2018; Ward, Winterfeldt & Moran, 2012).

Rolfe and Anderson (2003) had previously explained that while the human capital of law trainees is highly considered in law recruitment processes by law firms, successful recruitments are influenced by four key factors which are high college grades, attendance at a Russell university, strong academic performance at university and work experience in a large law firm. However, this has the propensity to encourage discrimination in the light of the findings by Ashley and Epsom (2013) in their survey

of six large law firms in the UK (2013). The satisfaction of this criterion may become a challenge to some practitioners due to the other factors identified by scholars above.

2.3.8 Co-operative spirit, team playing abilities as criteria for promotion in Small, Medium and Large law firms

The importance of cooperation and proper display of team spirit cannot be over-emphasized in day-to-day law practices across small, medium and large law firms. Being able to work in a team and manage cases alongside others is an important criterion (Rose, 2014; Allingham, 2004; Jarrett-Kerr, 2011). The vast literature on structure and role of partners indicate that the partner is to build relationships within the firm for efficient and effective output (Rolfe and Anderson, 2003).

The potential to work collaboratively and effectively with others is of fundamental importance to the work culture at a law firm (Ashley & Empson, 2013; Rolfe & Anderson, 2003). Also, a team building spirit is required to promote the much-desired diversity and inclusion initiatives within the law firm devoid of segregation because a partner becomes responsible for every lawyer within the firm. Women are generally known to possess good team spirit and can work in tandem with others (Blakely, 2009).

Bearing in mind the findings and notions from previous scholarly researches, journals (Sommerlad & Sanderson, 1998; Sommerlad, 2002; 2007; McGlynn, 2005) and recent findings by Aulakh, Charlwood, Muzio, Tomlinson & Valizade, 2017) women are susceptible to become disinterested due to effects of attrition. The feeling of attrition could underscore the team working skill required to make reasonable progress within the law firm. The requirement for cooperative and collaborative action can be attained through best practice that is devoid of bias.

Teamwork and cooperative attributes are required across all sizes of law firms. It is highly expected from prospective partners to create a fair working relationship between members of the law firm (Rose, 2014). However, the literature shows the existence of conscious and unconscious biases due to race, social class and gender which can negatively impact such effort (Tomlinson, Valizade, Muzio, Charlwood & Aulakh, 2018).

2.3.8.1 Impact of Conscious and Unconscious bias on teamwork in all law firms

Nalty (2016) and American lawyer, author and scholar, explained the role of implicit bias in the career progression of female legal professionals. She identified four types of unconscious biases which hinder inclusion within the profession. Although Kathleen Nalty's work focused on the American legal profession, the researcher believes that such incidences can occur in England. The four types of unconscious bias identified include Affinity bias, Availability bias Attribution bias and Confirmation Bias (Nalty, 2016).

- Affinity Bias: According to her, affinity bias is “the tendency to gravitate toward and develop relationships with people who are more like ourselves and share similar interests and backgrounds” (p.46).
- Availability Bias: Availability bias occurs when an individual's cognitive thoughts express immediate biases in favour of a specific object or group and lead the individual to make decisions that are unfair
- Attribution Bias: This is an unconscious cognitive bias that “causes people to make more favourable assessments of behaviours and circumstances for those in their “in groups” (by giving second chances and the benefit of the doubt) and to judge people in their “out groups” by less favourable group stereotypes” (p.46)
- Confirmation bias: She described it as a type of unconscious bias “that causes people to pay more attention to information that confirms their existing belief system and disregard that which is contradictory” (p.45)

These forms of unconscious biases have the potential to alter good decision-making within firms and can also compromise the opportunities of others. The effect of such unfair behaviours towards practitioners regarding team playing and cooperation is not farfetched in the light of such unconscious biases. Therefore, the promotion criteria

can be best met in circumstances where there is an absence of such biases. Practitioners will then be able to work their way up the promotion ladder.

2.3.9 Non-Billable Hours / Extra-legal activities/ Community Involvement

Non-billable hours accrue from attendance at social, charity, continuing legal education programs. Attendance at approved pro-bono work events, educational activities during or outside office hours or for business development and promotional marketing ventures account for these criteria.

Other extra-legal activities include writing articles that will promote the firm. These include newsletters and social media publications, all with the desire to promote the interest, image and success of the law firm (Jarrett-Kerr,2011). Also included in these criteria are networking duties like monthly lunches, association meetings, sporting activities, post-work drink-up and charity events. (Blakemore,2011; Jarrett-Kerr, 2011; Rose, 2017; 2014). The purpose is to establish and maintain good networks that will secure good business and client relationships while also promoting the image of the firm (Blakemore, 2011; The Law Society Gazette, 2016).

Community involvement signals a commitment to engage in corporate responsibility duties. Authors, Caroline Elefant and Nicole Black of the American Bar Association (2010), advised on the importance of the use of social media as a networking tool for lawyers. They claim social media as a medium for securing good client relations and an improved network is vital in today's world and suggested that male and female solicitors should take advantage of it.

While some of these criteria are not compulsory, practitioners who engage in these activities are viewed as possessing a non-professional skill that attracts attention from management (Blakemore, 2011; Elefant & Black, 2010). The Law Society thrives on developing the minds of lawyers through Continuous Professional Development (CPD) training. The SRA encourages training at all levels as an important aspect of continuous legal skill development. There is no doubt that human capital development by way of seminars and training equips the minds of lawyers with current ideas and knowledge. Many large law firms in the UK have adequate facilities and avenues for

such activities. Also, good practice of inclusion demands the inclusion of all cadres and genders to participate in these activities. It is up to practitioners to take advantage of these facilities. A lot will depend on the choices of the type of non-billable activities they choose to be involved with.

2.3.9.1 Non-billable hours/extra-legal activities/community involvement: Impact on Women, BAME and LGBT Lawyers

A specific review of the literature on how the operation of non-billable activities impact on women, BAME and members of the LGBT is being discussed in this section.

The purpose is to show the impact of such activities on their career progression. As stated earlier, good practice implies enabling all practitioners to engage in such non-billable activities which are likely to bring them to the attention of management. Findings from the literature indicate that some are excluded while others do so by personal choice.

A Law Society sponsored survey undertaken by Tara Chittenden in 2006 confirmed that LGBT practitioners were being marginalized during such extra-curricular activities. Also, research by IDF in 2009 reported that women (Lesbians) were also being discriminated. Rackley (2013) who explored the impact of prejudices and discrimination specifically within the judiciary in the UK found that gays and lesbians were discriminated as lacking the ability to participate in non-legal activities associated with a macho-culture (Rackley, 2013). According to Rackley (2013), activities like rugby, golf and other sports that provide excellent networking opportunities for lawyers were deemed too macho for gay and lesbian professionals. Rackley asserts that BAME and LGBT members are highly likely to be excluded silently from such activities by members of the profession.

The UK government have made efforts to eliminate such discriminatory practices through the inclusion of Section 12 in the Equality Act 2010(Sexual Orientation). This section of the Act aims to prevent and eradicate discrimination based on an individual's sexual preference. The anti-discrimination Act expects that members of those with

other sexual preferences are accorded equal opportunities in all spheres. However, often, consciously or unconsciously, some individuals exhibit biases against members of such networks. Moran (2006), discovered that some segments of the profession like the UK Judiciary were lacking in inclusion strategies for LGBT lawyers in their recruitment drive. The literature on inclusion confirms that this is gradually changing in response to campaigns and scholarly publications by eminent LGBT legal scholars, the IDF, Law Society initiatives and organizations like Stonewall in the UK.

2.3.10 Personal presentation as a criterion in Small, Medium and Large law firms in England

Personal identity or image is important in a law firm and can influence a definite career path. (Rose, 2009; Allingham, 2004; Jarrett-Kerr, 2011). Personal presentation and image influence are working relationships among lawyers (Ashley & Empson, 2013). It has been suggested that a partner should have an amiable and approachable mien and should be capable of creating a comfortable working environment for everyone, regardless of their ethnicity, religion, disability, sexual orientation, or gender (Ashley & Empson, 2013).

Collier explored the issue of personal presentation in 1998. The article titled *"Nutty Professors", 'Men in Suits' and 'New Entrepreneurs': Corporeality, Subjectivity and Change in the Law School and Legal Practice"* provided an insight into the relationship between identity, subjectivity and corporeality concerning distinctly masculine cultures of law school and law firm. Collier agreed that personal presentation was important to legal professionals. According to him, power dressing, signified by the colour and style of shirts, braces, shoes, socks and ties, has the potential to reflect and reinforce an organizational hegemony. So male lawyers reinforce their masculinity through power dressing when working with women. Collier opined that the man in a dark business suit, plain shirt and unostentatious tie is the "central icon" of the business world (1998).

The SRA also recognizes the criteria of an image. They argue that having a diverse group of lawyers in firms improves the image of firms and therefore has the potential to promote a business -case for such law firms (Law Society Report, 2010). Symbolically, therefore, well-groomed associates can attract elite clients. Stonewall,

is one of the UK's LGBT forerunners which emphasizes that people perform better when they can be themselves.

Small firms were not left out in consideration of image as a factor being considered by management for promotion to partner opportunities. Female solicitors depict an image of compassion, understanding and benevolence, so a law firm led by a female partner is likely to attract more female clients (Feenan, Hand & Hough, 2016).

The list of criteria above may not constitute an exhaustive combination (Jarrett-Kerr, 2011). Other factors, including global economic dynamics, can impact on these criteria. During economic downturns, many firms limit the appointment of partners leading to longer waiting times for prospective partners (Wald, 2010).

There have been reports of changing trends among millennial lawyers regarding the partner track in law firms. The UK Financial Times (2016) published an outcome of an investigation by Deloitte, a UK-based legal Consultancy firm on a generation of UK trainees and millennial lawyers who are now rebelling against long hours culture. Many millennial lawyers tired of the 24/7 work culture is inspired by the "gig" economy, exemplified by new business innovations like Uber and room-rental website, Airbnb. Some millennials are becoming more attracted to swift businesses rather than desk-bound and long hours professions.

2.3.11 Limitation of the criteria for promotion to partnership in law firms

A lack of regulation and the specific model of promotion to partner positions are limitations. Critics believe that the lack of a specific model of criteria for promotion to partner positions within law firms could be subject to abuses and manipulations (Allingham, 2014). For this reason, it became essential to obtain more factual data from participants within the sample group during this research.

2.4. Impact of Diversity and Inclusion initiatives in England: “Business-Case” Or Traditional Values?

Introduction

The effort to promote diversity and inclusion initiatives by the UK government, the Solicitors Regulation Authority, Law Society, Legal Service Board and other supporting agencies (IDF, Stonewall, EMILD) have been successful to an extent. However, the latest 2017 Diversity Mapping Research Report still identified persistent exclusions of females and minorities at the senior levels (Aulakh, Charlwood, Muzio, Tomlinson & Valizade, 2017).

This segment considers the review of the literature concerning the business -case strategy and its implications so far in improving inclusion within the profession.

2.4.1 The “Business-case” Strategy

The "business case" is one of the major diversity and inclusion strategies being relied upon by the Law Society. The UK Government also backs this through the enactment of the Equality Act 2010, the establishment of the Equal Opportunities Commission (EOC) and agencies such as Confederation of British Industry (CBI) and 'Opportunity2000' (recently renamed as Opportunity Now) (McGlynn, 2000:2002; Sommerlad, 2016). "Business-case" advocates argue that its adoption by law firm employers will herald equal employment opportunities that will subsequently create profit. However, Sommerlad and Sanderson (1998) and McGlynn (2000) among several other scholars view the strategy as having more of an economic benefit than the provision of equal opportunities for minorities members of the profession. The Law Society advocates that the initiative will provide everyone with access to a wider recruitment pool, a flexible and responsive workforce, staff retention, reduction in absenteeism, an independent, strong, diverse workforce. Several commissioned reports of the LSD & I Division showed that both small and large firms were achieving levels of success in different areas of the Charter yet, the problem gender equity at partner level remains pervasive. The unequal representation at the partner level has continued to invoke the debate on the efficacy of the “business-case” strategy

There are conflicting trends among scholars and advocates of the business-case strategy concerning reasons for the persistent lack of diversity and inclusion at the partner level within the UK legal profession. While the SRA, Law Society, Association of Women Solicitors UK and

the Legal Service Board argued positively in favour of the “business-case” strategy, other scholars view it as a misplaced strategy (Bolton & Muzio, 2007; Collier, 2013, 2015; Feenan, Hand & Hough, 2016; McGlynn, 2000, 2002; Noon, 2007; Sommerlad, 2007, 2016; Sommerlad & Sanderson, 1998; Webley & Duff, 2007).

McGlynn (2002), argued that the “business-case” model compounds the underlying problems women are facing because it tends to focus on numerical equivalence and fails to address both the traditional law firm culture that excludes and alienates many women and minorities. She also based her argument on the basis that it encourages the competitive (“tournament of lawyers”) ethos of the large firms. In her view, the model is premised on the wrong assumption about women and so is limited to that extent.

McGlynn does not believe the "business-case" strategy will improve the value of female lawyers' human capital and boost their morale and motivation to perform better or improve retention rates. McGlynn (2002) argued that it is because many law firms will place profit before equal opportunities and easily fail to implement such policies since it is not mandatory. Another reason for the criticism is that the strategy can demotivate otherwise talented male professionals due to a quota based female promotion of women. She says such may give a wrong impression to others about the ability of the prospective female partners.

There cannot be equal opportunities in employment without dealing with the maternal issues brought forth by gender. This view was also earlier expressed by Sommerlad and Sanderson (1998) following their study of solicitors in the 1990's. They concluded that while the “qualifications lever may facilitate women's entry into the profession, it will not necessarily ‘assist in overcoming informal barriers, one of which is the male culture of the solicitors' world” (p.144). Collier (2013) also decried the commodification of the legal profession and believed that the hyper-competitive and commercial law business ethos would hinder the "business-case" strategy to achieve its aims. He went

further to explain that due to the hegemonic masculine structures and cultures which persistently remain intact, achieving such equality will be difficult.

2.4.1.1 Advantages and Disadvantages of the “Business -Case” Strategy in England

Due to the wide interest generated by the adoption of the “business-case” strategy as a basis for a successful diversity and inclusion , some of the common discourses as raised by scholars were reviewed. The advantages and disadvantages of business - case" strategy have been discussed below.

2.4.1.2 Advantages of the “Business -Case” Strategy

Statistics from the 2017 Diversity Mapping Report indicated a significant effort, particularly on the part of Law schools, to diversify the ranks of the profession. An analysis of the SRA's data set containing records of 194,019 solicitors who were still registered on the roll between 2006 and 2016 showed a change in the diversity characteristics of practising lawyers in England and Wales. Females comprised 60% of all new admissions to the roll in 2016 compared to 10% in 1970. Solicitors from BAME backgrounds have increased dramatically over the last ten years, particularly those of Asian ethnic group who now account for 17% of all new admissions. The report, however, indicated less significant partner-level differences and reported that the prospects of becoming a partner are still markedly higher for white males than for any other group.

As at the recently released Law Society Annual Statistics Report (ASR) of 2017, there was also a remarkable increase in the entry trends of women and BAME members. Women outnumbered men with a 51% entry rate into the profession while men totalled 49%. Also, the recent report indicates that BAME solicitors increased to 16.1 % at entry points as against 16% in 2016(Law Society ASR 2016 & 2017).

However, the Mapping Report of 2017 concluded that across all ethnic groups, men are still more likely than women to become partners. Additionally, BAME men are more likely to become partners than white women. The report further emphasized that

“BAME women face a double disadvantage or penalty as they are the least likely of all groups to achieve partnership status” (p.53). Despite this, some proponents of the “business -case” strategy insist that it has been effective.

2.4.1.2.1 Improvement in the number of Male BAME Partners in Medium and Large law firms

More recent studies show that there is a slight improvement in the number of BAME males becoming partners in all firms (Aulakh, Charlwood, Muzio, Tomlinson & Valizade, 2017). According to the 2017 report, the probability of partnership attainments is as follows: BAME females (13.0%), white females (18%), BAME males (29.1%) and white males (73.5%). The reason given for not showing figures is that the study was designed to document changes in the diversity of the solicitor's profession. It was designed to focus on the extent to which the social characteristics of those reaching partnership by gender and ethnicity have changed over time (Law Society Diversity Mapping Report, 2017).

It, however, confirms that as at 2017 that a significant margin between female (8105) and male partners (20,082) in England and Wales, is yet to be successfully bridged. In 2018, the margin remains high with male partners numbering 19,884 and females totalling 8,241 respectively. Some large law firms have also improved their diversity statistics even though BAME women remain highly unrepresented at the partner level.

2.4.1.2. 3 Improvement in awareness and inclusion of LGBT lawyers

Since the Chittenden survey in 2006, much improvement in consciousness and awareness among LGBT members of their rights of inclusion have been noted. The IDF, Stonewall and published literary works of scholars (Moran, 2006, McGlynn, 2002) continue to improve awareness among the legal workforce.

The researcher agrees with Ward, Winterfeldt and Moran (2012) and Feenan, Hand and Hough (2016) that diversity and inclusion initiatives should start from pre-

university level to support BAME men and women. Their submission that such support should begin with those from lower social groups by assisting them to seek admissions into the elitist schools to prevent the social marginalization into the legal profession is plausible. Also, awareness about homophobic tendencies' needs to be included as part of the diversity awareness programme in law schools to serve a dual purpose of preparing LGBT members of what occurs within the profession while also creating better consciousness among lawyers in general.

2.4.1.2.4 Improvement in client -base for Small, Medium and Large law firms

The "business-case" argument was applauded as a precursor of an improved client-base for law firms. Ashley and Empson (2011) agreed with this notion and opined that law firms which comply with the principles of the "Business-case" are likely to enjoy a diverse client base. It has also received applause in the US where some scholars have justified it. Muir, Lee and Thomas (2014) shared the views of Ashley and Empson (2013) and claimed that client demands had strengthened the "business- case" because having a diverse mix of lawyers attract clients from diverse backgrounds. Feenan, Hand and Hough (2016) suggested that it might create a business expansion for small firms by assisting them to gain more clients from ethnic or religious networks.

2.4.1.2. 5 Encouragement of diversity of experiences, skills and avid 'group-think.'

Aulakh, Charlwood, Muzio, Tomlinson and Valizade (2017) found that diversity facilitated by the "business-case" reform initiative facilitates critical thinking and problem solving whereby employees pool diverse skills, experiences and talents to the business for innovative business ideas. This claim has not been disputed yet and thus remains a point of advantage for propagators of the strategy.

2.4.1.2. 6 Fostering of more creative solutions through the Business case strategy

Creative solutions grow businesses and in the current competitive legal environment, innovative solutions to legal problems can attract a strong client base. With different

minds coming together especially in ABS law firms, different professionals merge to move the firm forward and make the difference (Aulakh, Charlwood, Muzio, Tomlinson & Valizade, 2017).

Some UK-based ABS law firms (Mishcon de Reya LLP, Weightmans LLP, Kennedys LLP) are merging or acquiring other types of businesses and thereby engaging employees from other ethnic, racial and cultural networks (Rose Walker, 'The UK Legal Week Daily News, 2017). Small, medium or large firms can benefit from a fostering go creative solutions backed by diverse perspectives.

2.4.1.2. 7 “Business- Case” boosts Compliance with legal and regulatory requirements

The Law Society believes that the “business -case” strategy has the potential to reduce discriminatory claims made by aggrieved employees if equal opportunities initiatives are complied with. The SRA and Law Society are of the opinion that the “ business case” has reduced the cost of legal litigations, statutory, regulatory and discriminatory claims because since firms are more aware and compliant with such inclusion policies. The perspectives of the SRA and Law Society provide vital aspects of the positive gains but will only remain beneficial if the law firms comply with the equality regulations. Failure to do so can increase discrimination claims.

2.4.2 Disadvantages of the “Business-case” strategy.

As stated earlier, the literature review revealed some disadvantages of the “business -case” also. Some notable scholars provided various reasons. This section is a discussion of the views found during the review.

2.4.2.1 Feminization of the legal profession as an impact of the “business-case” model in large law firms England and Wales.

Bolton & Muzio (2007) proposed that one of the significant impacts of the business case is the feminization of the legal profession. They jointly argued against the

"business-case" model on the basis that it does not fully focus on the structural problems inherent in law firms. They decried the segmentation, stratification and fragmentation of the law profession because of the "business-case" strategy. Their argument was based on the premise that specialisms of high-paying and prestigious areas like corporate and commercial laws, which generate a combined 45% of the law profession's revenues, are allocated to male lawyers while the lower specialisms such as family, employment and housing laws are allocated to female lawyers. Moreover, they argued that female practitioners are being clustered at low revenue-yielding areas of law practice where the prospect of career advancement becomes bleak.

All have not accepted the feminization theory of Bolton and Muzio in the equality debate. Collier (2013) agrees with Bolton and Muzio regarding external closures as a form of resistance to change. Ashley (2010) dissents from Bolton and Muzio's theory of a deliberate feminization and segmentation by elite male lawyers in large law firms by arguing that those acts of feminization and segmentation are not deliberate but are due to demands of uncontrollable external forces.

Similar to Wald's (2010) argument, Ashley says that in global and large law firms, international and global client demands dictate the culture and structure and such large and global law firms succumb to the demands of their clients by positioning those the clients prefer. Wald (2010) however, says unlike some medium and small firms, most large firms hold business interests over and above value.

Monidipa Fouzder, a legal analyst and legal business contributor to the UK weekly law publication, "The Law Society Gazette," also disputed Bolton and Muzio's notions. She argued that the segmentation into less competitive and challenging legal areas are relatively due to female solicitors' choice of a balanced work-life (2014). Foudzer's argument was considered in line with the Preference theory by Hakim (2000, 2004) in which she theorized that the homogeneous nature of women prompts them to make choices between work and home lives.

Hakim (2002) posited that unlike men who are heterogeneous and commit more time to their work-lives, many women make choices to suit their home lives. She categorized women into three groups. Hakim (2002) claimed that 20% of women prefer work-life over home-life, another 20% prefer home-life while 60% are the adaptive

type who gravitate between work and home–life. She argued that these preferences affect their career advancement and competitiveness. This theory requires further exploration in its application because of Hakim's sample group which comprised of a group of random women and not female lawyers. Bearing in mind the extent of legal training male and female solicitors undergo, an examination and the applicability of Hakim's Preference theory became necessary during this study.

2.4.2.2 Failure of the “business-case” strategy to question economic imperatives.

Webley and Duff (2007) pointed out that the “business-case” strategy has been in force for over two decades, "yet women have not reaped the full benefits of equal opportunity initiatives. They went further to point out that "other marginalised or doubly marginalized groups face a long struggle even to reach this point" (p.2).

They argue that the “business-case” strategy fails to question the economic imperative of the business model. It does not strive for equality of rights and does not directly challenge discriminations based on gender. They proposed a value-based strategy whereby lawyers are employed based on their actual and real values as opposed to quotas or profit. McGlynn (2002) supported the argument of Webley and Duff (2007) on the basis that gender problems are not directly tackled by the tenets of the business case model but instead focuses on how much profit could be made from such compliances.

2.4.2.3 “Business-case” strategy undermines the well-being of male and female solicitors

Collier (2015) asserts that the "business case" for equal opportunities undermines the well-being of male and female solicitors because the profit-based strategy puts pressure on solicitors to be and do the best for their employers at all cost without adequate support. He disagrees with the notion that solicitors must make success

achievable at all cost at the expense of their well-being. He argued further that the pressure arising from the strategy has a profound effect on the well-being of both men and women within the profession. McGlynn (2002) shared the ethos of 'survival of the fittest' with Collier (2015) but emphasizes that the situation become worse with female returnees who get back into work to compete with those already in practice.

2.4.2.4 Inefficacy of the "Business -case" strategy due to complacency and distrust by BAME solicitors.

An earlier qualitative study on diversity in the legal professions in England and Wales, with a specific focus on barriers and individual choices commissioned by the Legal Service Boar in 2010, indicated that BAME lawyers sometimes resisted changes in the diversity set up as they declined from seeking entry into the large elitist firms with good diversity practices. It was identified that BAME professionals believe the strategy is a "tick box exercise" (Sommerlad, Webley, Duff, Muzio & Tomlinson, 2010, p. 54). Scholars who argue this aspect of the inefficacy of the strategy claim that it is still not as effective as to yield a significant change (Noon, 2007).

Their views were expressed over a decade ago and discrimination against women and minority groups, though less, structural and cultural segregations still exist especially within those tracks that lead to the partner level.

2.4.2.5 Voluntary powers of implementation by employers in the face of rising number of ABS firms.

Mirroring Sommerlad and Sanderson (1998), McGlynn (2002) reiterated that the "business case" was a confirmation of over-reliance on human capitalism that stood to erode professional value. She expressed her concern over the voluntary powers of employers which she said undervalues the ethics of the profession.

With the entry of non-lawyer equity partners into the profession in ABS firms, the business goals become often become more profit-oriented with the goal of ensuring a reasonable return on investment. McGlynn (2002) said has the potential to limit diversity statistics due to new work concepts and diversification into other non-

traditional legal businesses. Thus, lawyers are being made to undertake non-lawyer work, which diminishes the value of human capital and the ethos of law practice (Feenan, Hand, & Hound, 2016). There is also more dependence on technology within many large commercial firms that reduce the demand for legal experts. ABS firms develop and expand commercial legal portfolios by employing accountants, financial analysts and administrators who are non-lawyers. Feenan, Hand and Hough (2016) believes that this trend, can to lead to alienation of lawyers due to over-reliance on non-lawyer skills.

This view is debatable as ABS firms are reacting to global economic changes. Lawyers in traditional firms are not as diversified as those with ABS. It is believed that the advent of ABS firms and diversification will improve the human capital of lawyers. The issue of retaining practitioners in non- legal areas to fit into the new trend has not been well discussed so far within the literature.

2.5 Trajectories of gender identity within the Legal profession in England.

The proposal that gender should be the focus of debate regarding the unequal career advancement of male and female solicitors at partner levels has attracted several scholarly interests to date. Notable among those scholars who argue that gender should be identified as the principal determinant in the career paths of female solicitors include Sommerlad and Sanderson (1998), McGlynn (2000, 2002, 2005, 2016), Feenan, Hand and Hough (2016), Webley and Duff (200). Others agree that gender should be the focal point but dissentingly argue that it should not be exclusively about female solicitors' experiences and travails only. They argue that it should include men who silently experience similar prejudices and pressures (Collier, 2013; 2015). Collier's view is reminiscent of previous researches by the Law Society and SRA spanning over two decades which also highlighted the challenges faced by BAME males and male members of the LGBT (Law Society, 2016 Diversity Profile of the Solicitors' Profession 2015).

2.5.1 Female gender as a trajectory in the equality problem within the Legal profession in England

The debate about the lack of recognition of the female gender is a significant aspect of literature involving a common theme. A common factor discussed more recently is the debate on gender trajectory as reviewed. It was found very relevant to this research due to the basis of the scholarly arguments. Sommerlad and Sanderson (1998) explicitly stated that "gender remains a principal determinant in the career trajectories of women solicitors" (1998, p 4). Webley and Duff (2007) advanced similar views and declared that for an effective change to occur within the legal profession, women lawyers should act as a barometer, or as more accessible indicators of problems within the professional project. They argued that failure to tackle gender issues directly could not produce the desired equality. This notion is a widely held among gender scholars who are opposed to the relevance of the "business -case" strategy in the inclusion problem (Sommerlad & Sanderson,1998; McGlynn, 2000; 2016; Feenan, Hand & Hough,2016; Webley & Duff, 2009).

McGlynn (2000) emphasized that the assumption of existing gender neutrality within the legal profession remain inconclusive because the feminine gender requires recognition along with its inherent characteristics. McGlynn (2000), Sommerlad and Sanderson's argue that the refusal by law firms to acknowledge the distinct biological responsibilities and characteristics inherent within male and female genders will render work cultures as tools for marginalization of female practitioners. They cited the culture of long hours, billable hours, networking, case-handling and client origination.

Kumra & Vinnicombe, 2008 building on the masculine model identified in their study of professional service firms across the UK, corroborated McGlynn's and clarified that few females who succeed within such masculine paradigms, often must become agentic by assuming masculine attitudes, characters and identities to have a 'fit' with the masculine culture (Phelan, Moss-Racusin & Rudman, 2008; Prescott & Bogg, 2013).

It became clear in the literature that female gender is construed as an automatic discriminatory tool and a measure of commitment of women with their maternal

responsibilities. Motherhood, as Collier (2013) puts it, is constructed as a social problem instead of being viewed as a gendered responsibility.

The problem of a lack of gendered identity where female employees assume male identities to survive work cultures and policies transcends the law profession as discovered by Prescott and Bogg (2013). Their survey of female workers in a computer games industry in the UK found that despite being under-represented, the identity of female workers remained invincible to the extent that female workers assume male identities to obtain a "fit" with the masculine culture and structures within the industry.

The 'neutrality' of gender within the profession does raise serious questions of equality. The body of literature stands in support of a multi-gendered trajectory which needs to be reckoned with for a true equality drive. Alcoff's conclusion that, "the refusal to acknowledge the importance of the differences in our identities has led to distrust, miscommunication and thus disunity" (2006, p.6) illustrates the impact of such a single gender assumption. Alcoff (2006) reiterated that such failures do not augur well for hopes of equality.

2.5.2 Female gender and the assumptions on their human capital within law firms in England.

Another aspect of the equality discourse found within the literature is the debate on assumptions of human capital within the profession. Human capital refers to any stock of innate or acquired knowledge or characteristics, habits, social and personality attributes. It includes intelligence, creativity, the ability to perform labour to produce economic value (Gerber, 1993). Education, skills, attitude and aptitude play critical roles in human capital acquisition and development. These have the propensity to uplift solicitors and lead to a successful law career.

The concept of human capital recognizes that not all labour is equal. Therefore, the quality of employees can be improved by investing in them with the aim of obtaining value in return. Investment in people remains a primary human resource management responsibility of a firm. Many employers invest in their employees for better business development also. The prospect of success of such an investment is highly dependent

on the type of support provided to the recipients who often are employees (Gerber, 1993).

Within the legal profession, solicitors are deemed to possess the requisite education from universities, law schools and also through the mandatory two- year practical training period before being enrolled as solicitors. In addition to those acquired and innate skills, they are subject to further professional development opportunities during the legal career. The SRA Code of Conduct, 2011 (SRA Hand Book) makes provision for solicitors to continue to improve on their human capital through training. On 1st November 2016, the SRA replaced the Continuing Professional Development (CPD) with the Continuing Competence (CC). Instead of attending fixed courses for a certain period to acquire some CPD points before renewal of practising certificates, solicitors are expected to review their learning needs and address them through CPD activities. Law firms must support their employees who require such human capital development in compliance with the SRA competence framework. Law firms, therefore, sponsor or support their employees in gaining more knowledge and skills and also to create a sense of belonging of such employees within the firm (Hagan & Kay,1995)

The literature review disclosed male practitioners were always given priority during activities that develop human capital (McGlynn,2002). The few women given such opportunities are those deemed 'agentic' who are deemed to have broken the convention by giving priority to work instead of home (Hagan & Kay,1995).The general but widely held assumption is that women, unlike men, are more interested in their home lives than work lives. Hagan and Kay (1995) relying on the previous work by Becker (1993) concluded that despite a large number of female entrants into the law profession, their progress had been hindered by their choices which is an effect of their biological characteristics. They opined that biological differences give advantages to men at the domestic home front while male professionals "elsewhere" (work). This human capital theory has influenced the thought process of members of the legal profession to the extent that women are considered to have only one choice which is to dedicate their time to home life.

Sommerlad and Sanderson (1998), McGlynn (2000; 2002) all challenge the human capitalist view as held within the legal paradigm and they examined the extent to which women can exercise "real choice" over the way in which they work and construct their

law careers. These scholars condemned the human capitalist theorists who cite a lack of human capital by women as the reason for their unequal career progression.

McGlynn (2002) attributed the unequal career progression of male and female practitioners to a lack of a gender trajectory. A situation that has failed to appreciate the innate biological differences between male and female genders. McGlynn (2000) refuted the capitalist notion that professional women will always make “one choice” which is to dedicate their times to home responsibilities than work responsibilities. Relying on the outcome of the empirical studies of Hagan and Kay (1995) on the status of women in law career in Canada and the US, she emphasized that the human capitalist assumptions are defective.

McGlynn (2000) advocated for a paradigm shift that looks beyond the Human Capital theory in order to consider cultural capital concepts in the light of Pierre Bourdieu's works. Bourdieu (1990; 1991) opined that cultural capital is distinct from formal training but is a combination of several attributes.

Cultural capital according to Bourdieu (1991) includes “a combination of educational experience, or significant family or social connections with key agents (relational capital) which may either be taken as given or may be achieved through participation in the right networks”. Bourdieu (1991) therefore, argued that women could exhibit such cultural capital if given the opportunity.

The literature relating to the human capital debate and its assumption about a ‘single’ choice of female practitioners brought into question, the tenets of Hakim's Preference theory (2000; 2004:2006). Hakim (2000) postulated that while women voluntarily make choices according to their preferences and due to their heterogenous life-styles, men have a similar lifestyle and so dedicate more time and commitment to their occupation. Critics claim Hakim's categorization of women into three categories (work focused, Adaptive and Home-based women) indicates that women do have more than one single choice. They also claim that women do not voluntarily make those choices but do so due to constraints and pressure of work processes (Leahy & Doughney, 2014; McRae, 2003; Walsh, 2012).

Further consideration of the Preference theory seems to dispute to an extent the human capitalist theory of a single choice being made by women when faced with

work life and home life. The dispute is evident in the three categories of women who make different choices as they deem fit. Hence, not all women have a single preference (home -life). Hakim's Preference theory can be used to support advocates who believe that female professionals have a multi-choice instead of a single one. It is the choices they make that determines the outcome. It also has the propensity to explain if women aspire to advance in their chosen professions. Thus, the Preference theory is relevant to understanding how female solicitors make choices that influence their career progressions.

2.5.3 Male gender as an additional trajectory in the debate for equality within the legal profession.

The male gender has always featured as the dominant gender in the equality debate within the legal profession. A substantial number of the studies and discourses within the profession focus on the biased structural, cultural practices that favour males but disfavour females.

Collier (2013) argued that the perspectives on male gender within the equality debate within the legal profession might be imbalanced due to the limited focus on the experiences of men. Collier (2013) argued that ignoring the real experiences of men in the debate obscures their actual experiences to the extent that when organisations adopt innovative family-friendly policies, men's domestic roles as fathers are also ignored at the work-place. From this discourse, it seems male gender as a trajectory within the current equality debate can be characterized as a double-edged concept. The reason being that, while a majority of scholars and professionals believe that men are the favoured gender, Collier points out that men are still being misunderstood and deserves more attention.

The plight of male lawyers as a gendered group within the profession is now being considered not only as the benefactors of female marginalization but also as a group that should be understood about their expectations and well-being. Collier's notion of male gender trajectory may be welcome, but in the light of current statistics, women remain disadvantaged at the top level within many law firms.

2.5.4 Solving the inequality problem at partner levels in the legal profession: An international perspective.

Literature at the international level also reveals a lack of equality in the number of male and female partners within law firms. The situation highlights the fact that the problem is not limited to England alone. Professor Hannah Brenner, an American feminist of the legal jurisprudence school of thought and a Professor at Michigan State University College of Law proposes that "the frame through which the issue is construed should shift towards conceptualising it as a matter of ethics because it is a problem that affects not just women, but the entire legal profession" (2014; p.262).

She argues that since the legal profession is responsible for the enforcement of laws that challenge sexism and discrimination, it should deal with the issue of equality amongst its actors ethically and should transcend law firms and geographic borders. She suggested that the ethical solution should start from law schools, where law students will be taught the importance of values and equality.

Brenner's suggestion that the issue of feminist challenges of subordination and inequality need be tackled ethically is debatable. Brenner (2014) further proposed that ethical education should be extended to law schools as a matter of priority. The researcher believes that such priorities should be accorded to those already in legal practice instead because they constitute the bulk of prospective partners and decision makers. Law school students still have a long way before becoming partners. Therefore, a focus on practising solicitors will create a better foundation for the eradication of poor promotion prospects of not only women but other minority members of the profession such as the BAME, LGBT and the disabled.

The notion of Collier (2013) that male lawyers are susceptible to being pressured due to the demands of legal work could be an aspect to consider further by law firms.

2.6 Work-life balance and its impact on the choices of female solicitors within the legal profession in England

Work-life balance and marginalisation of female solicitors at the partner level within the legal profession in the UK have also dominated the literature over a period of time

(Bolton & Muzio, 2007;2008; Duff & Webley, 2004; Feenan, Hand & Hough, 2016; McGlynn,2002;2005; Sommerlad,2007; Phelan, Moss-Racusin & Rudman,2008; Sanderson,1998; Walsh, 2012; Webley & Duff, 2007).

In reviewing this aspect of the literature, preference was accorded to the impact such demands for work-life have on female solicitor career progression. The impact of such work demands has been reviewed according to the different sizes of firms to understand the trend within them fully.

2.6.1 Work-life balance: Choices of female solicitors in Medium and Large law firms in England

Several scholars as observed within the literature, agree that in medium and large law firms, the hyper-competitive nature of the profession creates an imbalance between work-life and home-life. They argue that female solicitors who are biologically responsible for child rearing usually opt -out when they find the work challenges too onerous (Bolton & Muzio, 2007; Collier, 2013; 2015; Duff & Webley, 2004; Feenan, Hand & Hough, 2016; McGlynn, 2002; 2005; Sommerlad, 2007; Sommerlad & Sanderson, 1998; Walsh, 2012; Webley & Duff, 2007).

The school of thought that argues against the "business-case" model opine that the key to refocusing the profession lies not only on human experiences at work but also life beyond work (McGlynn, 2002, 2016; Sommerlad, 2007; Webley & Duff, 2009). They believe that by seeking to balance work-life and home -life, many women will be placed in better positions to compete alongside their male colleagues who are assumed less involved with home-life. The scholars emphasized that if law firms take that initiative, they will be able to understand and initiate best practices that will create opportunities for more female solicitors to aspire and attain partner positions within law firms.

Walsh (2012) in her empirical survey of 384 female lawyers across several law firms including the UK, found that all the participating female solicitors interviewed during the study upheld work-life balance as the most critical influence on their ability to progress in their law careers. Walsh's findings further indicated that the nature of a

law firm's work/family life culture and flexible working opportunities featured high on their agenda.

Recent appointments by some large city firms in London indicate that more women are being appointed into partner and executive positions. Travers Smith LLP appointed two women and four men as partners (Legal Week, 18 May 2016). Norton Rose Fulbright LLP entered into a partnership with a female solicitor Farmida Bi as its new chair for Europe Middle East and Asia (EMEA), making her the first woman in the firm's history to hold the role (Legal Week, 9 February 2018). There are a few other cases, as indicated in Chapter 1, Figure 2 of this thesis. Despite these, the ratio of male to female partner remain significantly wide.

In considering the need for work-life balance, debates within the literature established the role age plays and how it adds to the challenges faced by solicitors. Usually, a senior associate is expected to spend at least 5–8 years in a law firm before aspiring to become a partner. Attendance at university, law school and a two - year compulsory training needs, bring the average ages of most female lawyers within the range of 27–30 years (Law Society ASR, 2017: Webley & Duff, 2007).

This period coincides with the period when life-changing relationships and events like marriages and childbirth occur. Since the law profession is considered neutral in gender, there are little or no policies to cover this vital phase in the lives of many female practitioners. Hence, in a law firm where the traditional "tournament" model is in a place where all associates in a particular "entering class" compete and are subsequently selected as partners, those who have taken time off, lose out. Proponents of the work-life balance culture argue that such processes are likely to become very disadvantageous to female professionals that take time off for maternal duties. It explains why McGlynn (2000) and other multi-gender advocates, condemn the single neutral trajectory as it does not make provisions for the responsibilities that come with the feminine gender.

It is even more challenging to become a partner due to the changes in the traditional law firm structure. The ABS is gaining more credence not only with large- or medium-sized firms but small firms also in the UK. The popularity of the ABS implies that financial investors have a shorter cut to direct partnership in such law firms, thus

making the chances for traditional ascension by promotion to partnership longer (Feenan, Hand & Hound, 2016; Sommerlad, 2016; Wald 2012).

Demand for a return to work-life balance for both men and women legal professionals is gaining ground among scholars as observed within the literature on equality in the profession. Scholars believe that the work-life balance being proposed may hold the key to refocusing the profession, as it focuses on the human experience within and outside the law firms (Collier, 2013; 2015; Webley & Duff, 2009).

2.6.2 Impact of technology on work-life balance

The literature reviewed indicated dissenting views on the impact of technology on work-life balance. While some view the exploitation of technology as a solution to challenges caused by long hour working (Feenan, Hand & Hough, 2016; Wald, 2016), others believe that it encourages it.

Thornton (2016), argued that the idea of work-life balance is mostly "elusive, with the boundary between life and work effectively extinguished by the neoliberal firm" (p.6). Basing her argument on responses to a web-based survey and follow-up interviews with male and female lawyers in Australia between 2012 and 2013 about flexible working, she emphasizes that global client demand also forced principals and partners to demand unreasonable productivity at unreasonable times of the day. She gave an example of global clients demanding "24/7" services despite the geographical time differences. Thornton's finding echoes those of Ashley (2010) who found that external forces are influencing corporate law practices. Ashley pointed out that the global law firms are unable to control such demands.

Feenan, Hand and Hough (2016), as well as Wald (2016), share a similar opinion that technology can be exploited to gain a competitive advantage for promotion opportunities. It has also been reported recently in the UK that, large law firms, are now resorting to technological innovations to remain in the highly competitive legal environment, precipitated by the ABS (Financial Times, 2016). The report states, large ABS firms like Linklaters LLP, Gowling WLG, a UK-Canadian firm, Gately LLP, the first UK ABS law firms are showing considerable interest in technological work systems.

The researcher believes that the adoption of technological support systems will alter the state of inequality to an extent and provide both men and women more opportunities to compete. Female and male solicitors can cut down on long hours and continue at home to beat the geographical time difference. However, critics also are concerned that this might lead to job losses as fewer practitioners might be required to do the work. Mark Cohen of Forbes online Magazine discussed the extent of the impact of technology on the legal profession. He emphasized that "technology is transforming every segment of the legal ecosystem including its workforce, division of labour, economics, structure, providers, skillsets, career trajectories, education and training, customer expectations and culture"(Forbes on Magazine of 15th January 2018). The result is that there is less reliance on traditional lawyering where practitioners are losing control of the delivery of legal services.

2.6.3 Work-life balance and choices of female solicitors in small law firms in England

The literature on small law firms in the UK indicates a more positive picture of work-life balance. Many small law firms engage in private client areas such as family, immigration, landlord and tenant issues, which do not demand a 24-hour, seven- days a week commitment. Clients are mostly localized and are not affected by geographical time differences as to demand a 24-hour service. As indicated by the recent Law Society Mapping Report (2017), majority of the BAME men and women practise in small law firms and do not exhibit such work pressures or a lack of flexibility due to the less volume of work undertaken (Aulakh, Charlwood, Muzio, Tomlinson & Valizade, 2017; Feenan, Hand & Hough, 2016).

However, the management style may also lead to dissatisfaction among its lawyers and could lead to attrition or disillusion (Feenan, Hand & Hough, 2016).

2.7 Well-being of Solicitors and its impact on the promotion to partner process in England.

The culture within law firms in England and the impact on practitioners has been extensively discussed in the literature. Many scholars have pointed to the challenges caused by long hours, a pressure of billings, biased policies and assumptions. One of such impacts is on the state of well-being of practitioners.

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2.7.1 Well-being of solicitors within law firms in England

The well-being of solicitors has attracted interests among scholars of gender equality in the UK. Collier's (2015) argument that the well-being of legal professionals needs to be considered within the context of the entrepreneurial, market-oriented and hyper-masculinist cultures associated with neoliberalism is understandable. According to him, if the problems of men as the 'ideal workers' are to be well understood, then a deeper consideration needs be given to men's well -being as much as women. Collier (2015) disclosed that high incidence of depressive symptoms is prevalent amongst lawyers (especially, city lawyers) and law students. His paper also considered the state of well-being of law school students being impacted by a fear of failure in the future career goals.

Collier's views on well-being can be aligned with Brenner's (2014) regarding consideration of external factors that can affect lawyer input. Brenner (2014) believes that a poor state of well-being of female solicitors caused by external factors can relatively impact their career input, aspirations and the ability to compete favourably.

There is a substantial body of evidence that relates positive or negative work-life balance with well-being and engagement in unethical work behaviours, such as bullying, discrimination and harassment (Paula Baron, 2015). Baron (2015) who is one of the critics of the business -case strategy opined that these factors enumerated earlier could also cause a state of poor well -being. This view was confirmed by Jonathan de Lance-Holmes, a serving partner of the large London - based firm Linklaters LLP. His personal experiences of work-related poor well-being are published on the LawCare website as a means of encouraging other practitioners to seek help when required. (www.lawcare.org.uk).

The SRA and Law Society are not only tackling exclusions but also the problem of poor well-being as part of their wellness initiative for lawyers in the UK. The SRA has been working in conjunction with LawCare, an independent charity organisation established in 1997 for that purpose. LawCare supports UK solicitors, barristers, barrister's clerks, judges, legal executives, paralegals, trademark attorneys, patent agents, law support staff and law students to deal with health problems. These health problems include depression, addiction and related emotional difficulties.

LawCare report indicates a high incidence of female attendance. About 65% of female lawyers and 35% of male lawyers sought help in 2015. While in 2016, the number of female lawyers increased to 68% as against 35% of male lawyers (LawCare Publication, 2016).

A Law Society sponsored Health and Well-being Survey in 2014 involving 1,517 practising certificate (PC) holding solicitors reported that 96% of respondent suffered harmful stress levels in their working lives. Among those, 19% were diagnosed with "extreme" or "severe" levels. According to a previous report of 2012, one-third of PC holders were off work due to ill-health (Law Society, 2012a). Their absences depict a high incidence of poor well-being among practitioners.

The statistics imply that professional legal challenges affect both male and female lawyers but higher for female professionals.

It also justifies the argument of Professor Collier (2015:2016) as to why male inclusion in the well-being initiative should be considered a necessary issue of the debate about the profession. Collier (2016) is of the belief that enabling lawyers to have a sense of well-being can assist them to cope with the dynamics of personal lives, aspirations and expectations, which are impacted by socio-economic, demographic and cultural shifts. These experiences might not be limited to large firms only. As Baron (2015) pointed out, other types of behaviour, like bullying and harassment which contribute to a state of poor well-being might be inherent within medium and small law firms.

2.8 Female career prospects in the light of promotion to partner criteria and state of well-being

The promotion criteria, as discussed in section 2.2 of this thesis depict strong competencies and attributes an individual seeking career elevation to partnership position should possess.

Feenan, Hand and Hough (2016) explained that there is a feeling of attrition among practitioners in large law firms especially women. They argued that such feelings are due to the prejudices female practitioners face in practice. This notion falls in line with the argument of Sommerlad (2016) that female professionals may suffer from poor self-perception due to negative judgements at work.

Singh, Terjesen & Vinnicombe (2008) found that women generally become risk-averse in large law firms because they are afraid to make costly mistakes. Pinnington and Sandberg (2012) recommended that researchers who have interests in gender equality in Professional Service–Firms (PSF) should reflect more on the management of diversity and alternative work arrangements within those firms. They believe that the outcome of such studies could assist a better understanding of the requirements of partnership roles.

2.8.1 Well-being of BAME and LGBT solicitors in England and their promotion prospects to a partnership position in law firms

The well-being of BAME, LGBT and Disabled practitioners formed an essential aspect of the review since they are known to suffer conscious and unconscious biases within the profession (Law Society Equality and Diversity Report, 2017).

Available statistics by LawCare UK did not accurately express much about the well-being of BAME, LGBT and Disabled lawyers. The lack of data may be due to the non-categorization of the reports from the Law Care.

Evidence in the literature disclosed various other networks that provide support to the Lawncare network of practitioners. Stonewall plays a crucial role in supporting LGBT members. The 2006 'Chittenden' survey report also explained the extent of network availability, both in London and within the regions to which the LGBT members could connect. A network of associations such as Asian Lawyers Network, Black Solicitors Network, several LGBT networks including IDF, Lesbian and Gay Lawyers' Association (LAGLA) distinctively provide support for BAME and LGBT professionals. Other inter-firm networks include Bylaw, LGBT and Gay Employment Lawyers (GEL) in the UK.

Even though there seems to be adequate support for these groups of practitioners, the concern stems from the fact that those who require the services might not utilize them due to the quest to live up to societal constructs. Male practitioners might prefer to suffer in silence fear of losing their assumed strong masculine image. The state of well-being of practitioners remains vital across all types of firm. Only individuals with good health and state of well - being can perform well in practice (Collier, 2015).

2.9 The Research Framework

A review of the literature culminated in the identification of three theoretical frameworks which underpinned this research. These include:

- Theory of Social Constructionism (Elder–Vass, 2012)
- Role Congruity Theory against Female Leaders (Eagly & Karau, 2002)
- Preference Theory (Hakim, 2000; 2004).

2.9.1 Social Constructionism as a theoretical framework to explore the promotion process for law partnerships and the female's challenges.

Social Constructionist theory was chosen as one of the guiding frameworks of this research. The choice was based on previous studies, articles and contemporary scholarships on the career advancement prospects within the legal profession in England, which featured the impact of the theory on female solicitors' marginalisation (Ashley, 2010; Ashley & Empson, 2013; Bolton & Muzio, 2007; Collier, 2013; 2015; McGlynn, 2000; 2002; Sommerlad & Sanderson, 1998).

Its relevance as a framework to this research lies in the fact that it explained firstly, the disparity between sex and gender and secondly, the ways in which individual perceptions, beliefs, behaviours, assumptions and expectations are being moulded within the micro and macro segments of the society, resulting in how they behave towards one another.

The dominance of the masculine culture and its impact on female leadership roles within the legal profession as found within the literature is also synonymous with the tenets of the Theory of Social Constructionism popularized by Elder-Vass (2012). The

adoption of Social Constructionist theory as a framework in this research provided a further understanding of the problems within the legal profession across England.

The theory of Social Constructionism originated in the the18th century but was first developed into scholarly work in 1966 by Berger and Luckmann (1966) and further developed by David Elder-Vass of Loughborough University, UK, in his article "Towards a realist social constructionism" (2012). Proponents of the theory believe that social and interpersonal influences are the lens through which individuals who are members of a group view or create meaning (Marecek, Crawford & Pop, 2004).

The Biological Determinist school upholds the notion that differences between the male and female sexes are biologically determined (Alcoff, 2006), while the Social Constructionist school of thought opines that this distinction is socially construed. Simon de Beauvoir (1972), a social constructionist theorist, argued that there is no distinction between a man and a woman from birth, but that the gender is determined by parental and societal influence. According to Simon de Beauvoir and others (Haslanger, 2003; Kimmel 2005; 2014), who shared this view society is responsible for the dichotomy of human beings into the two different sexes – man and woman – and into two distinct characteristics – feminism and masculinity (Beauvoir,1972).

The theory explains some of the forms of unconscious biases within the society in general. This unconscious bias extends to other spheres of life including professional lives. The issue of gender-based biased continues to surface within the literature on gender studies in the legal profession.

As a framework, it guided the researcher's thought process about the constructions of masculinity and femininity within the structure and culture of law firms. It also created a deeper understanding of the trajectories of gender. The theory helped to explain how male and female genders are construed and the impact of such assumed constructions on the work-life balance and well-being of male and female solicitors (Collier, 2013; 2015).

The theory explained work-related pressures on male and female solicitors in a hypercompetitive legal profession. The theory further highlighted the hegemonic assumptions and expectations about masculinity which increases the pressure on

male practitioners and subsequently leads to a state of poor well-being (Collier, 2015; Kimmel, Hearn & Connell, 2005).

The theory of Social Constructionism also explained the assumed work-related constructs about females and created one of the frameworks within which this research was designed and undertaken.

2.9.2 Role Congruity theory of Prejudice towards Female Leaders as a theoretical framework in this research.

The literature review highlighted the occurrence of prejudices due to assumed role congruities as propagated by Eagly and Karau (2002).

The theory dwells on the prejudices that women in leadership positions face. The findings of Sommerlad and Sanderson (1998) and McGlynn (2000) about the biased prejudices towards female solicitors can be better explained using the theory of Role Congruity of Prejudice advanced by two psychologists, Eagly and Karau (2002). Following a test of their theory using available empirical research on female stereotypes and leadership assumptions, they proposed the existence of a perceived incongruity between the female gender and leadership roles which lead to a dual form of prejudice against females.

Firstly, the theory proposes that women are perceived less favourably than men as potential occupants of leadership roles. Secondly, they proposed that female behaviour that fulfils the prescriptions of leadership roles are usually valued less favourably when enacted by a woman (2002). The tenets of the theory are similar to what has been identified within the UK legal profession whereby the feminine traits of female solicitors are deemed 'unfit' within the stereotyped masculine characteristics of effective leadership. The theory explains the notion that men are natural leaders and therefore are more congruent with leadership roles, unlike women. The theory is against the backdrop of the dissenting views of scholars like Krinzman (2015) who opine that leadership qualities transcend gender and no particular gender can lay exclusive claim to having those qualities concerning law practice.

Even though Eagly and Karau's (2002) proposition about gendered prejudices was based on a test of previous empirical studies of other scholars, qualitative research by Kumra and Vinnicombe in 2008 confirmed the tenets of their theory of Role congruity and prejudices among professional service firms in the UK. Kumra and Vinnicombe (2008) jointly conducted a case study on the promotion to partner process in professional services firms that explored how women were disadvantaged during promotions within the industry. Their case study of a single global management consultancy firm named Consultco involved interviews with 34 male and female senior consultants.

They established two areas of disadvantage for women in the promotion process. Firstly, Kumra and Vinnicombe (2008) observed the presence of a self-managed career advancement process with little support for female consultants. Secondly, they found that there was the need for female consultants to 'fit' into a prevailing masculine model of success within the firm which was problematic for the women. Based on their findings, they suggested that further studies should be undertaken specifically on the promotion to partner process in other professional service firms like Law and accountancy firms.

In 2015, Savita Kumra explored why the increase in women's participation as a result of several equality and diversity initiatives has not led to their inclusion at senior levels in large firms in the UK. She argued that "the main barriers are macro and micro processes of social reproduction, poor access to mentors and influential business networks and gender bias in society at large" (p. 2278). Kumra (2015) further identified that male partners continue to outnumber females by approximately four to one in large law firms. She concluded that "large law firms, rather than tackle the deep-rooted and systemic factors that combine to produce discrimination, opt instead for an approach in which they are "busy doing nothing" appearing to tackle the issue, but leaving the status quo unchallenged and unchecked" (p.2278).

It was considered relevant to this study based on the premise that similar prejudices have been previously found inherent within the legal profession as found by Ashley (2010), Ashley and Empson (2013), Bolton and Muzio (2007;2008), Sommerlad and Sanderson (1998), Sommerlad (2016), McGlynn (2000; 2002; 2015) and several

others. The role congruity theory aided the researcher's analysis of the situation in small, medium and large private law firms in England.

2.9.3 Preference theory of Prejudice as a chosen research framework

The Preference theory of Prejudice against women was propagated by Hakim in 2000. The theory helped to explain the different views regarding the choices of women during this research and therefore was adopted as one of the research frameworks. One of the perspectives being challenged by several UK scholars in the literature on gendered marginalization within law firms dwells on the choices that female solicitors make (Bolton & Muzio, 2007; Sommerlad & Sanderson, 1998; McGlynn, 2002; 2016).

In addition to questions about why women do not progress to partner positions as much as men, there is also a comprehensive discourse on whether the real choices of female solicitors regarding their careers are voluntary or involuntary. There is a debate as to whether those choices are actual choices bearing in mind the existence of assumed gender neutrality within the legal profession which creates enormous challenges for female practitioners. Sommerlad and Sanderson(1998)and McGlynn(2000;2002) all contend that, since female solicitors are not judged according to their actual gender, the evaluation as to their abilities, attributes and competencies remain subjective and so could be incorrect. In the light of this, a consideration of the professional choices made by those who fall outside the "ideal lawyer" image became very important.

2.10 Gaps in the literature

While the volume of literature reviewed provided the enormous amount of knowledge for the conduct of this research, some gaps were also identified.

2.10.1 Focus on large law firms to the exclusion of small and medium-sized law firms

Much of the scholarly research, articles and journals concentrated on large law firms to the exclusion of small and medium-sized firms. There is a vacuum in the study of small and medium-sized law firms, which would have given researchers the opportunity to understand the reason for the persistent and unequal representation of females, BAME and LGBT members at the echelons of law firms. The focus on large law firms is not representative of the whole lawyer population in England and Wales. This research filled this gap by investigating the three types of law firms.

2.10.2 Lack of specific research on the promotion to partner process in all law firms

Previous studies and decisions have focused on selection rather than promotion decisions in law firms. Promotion decisions play a vital role in prompting such career advancements. In looking at such promotion policies and decisions, more insight into how the promotion criteria are being implemented stands to be achieved

2.10.3 Major focus on organisational context and structure instead of focus on individuals in authority within the firms

Another gap identified in the literature concerning the area of study is the focus on context instead of those in authority. Nalty(2016) explained the impact of leadership on the career prospects of female solicitors. She highlighted the different types of conscious and unconscious biases that influence the actions of those in authority in the profession. She identified Affinity bias unconscious bias that exists within most law firms . The behaviour prompts professionals to act favourably towards those of similar gender thereby creating exclusions in some cases. Those in authority need to be studied as to understand the extent of influence such behaviours have on their management abilities.

This research fills that gap by interviewing those in authority (partners, a sole practitioner and an HR Director) to provide data about behaviours at work that can throw more light on the possible cause of exclusions at work.

2.11 Research Questions

Based on the review of previous literature in the area of interest, the following three research questions were formulated:

1. What is a female solicitor's conception of career success and do they really aspire to become partners?
2. To what extent does the culture in small, medium and large law firms impact on the career advancement of female solicitors?
3. How is the promotion to partner process in small, medium and large law firms determined and implemented in England and how can it be improved?

Research Question 1

- What is a female solicitor's conception of career success and do they really aspire to become partners?

This question was framed as a result of knowledge gained from the literature review, which triggered the need to understand further the underlying concept. One of the most challenged assumptions was that female solicitors are not as committed as male solicitors. McGlynn (2000; 2002), Sommerlad and Sanderson (1998), Sommerlad (2007), Feenan, Hand and Hough (2016), Webley and Duff (2007) all argue that female solicitors have not been given the opportunity to show their best due to the obstacles they face. Hakim (2000) on the other hand claims in her Preference theory that not all solicitors want to enter into employment or remain there. She identified only 20% as being career minded and work focused, 20% as being home focused, and 60% as being able to focus on work or home depending on how it favours them. Even

though Hakim's theory has been criticised for failing to take into consideration the reasons why female professionals opt - out, the question remains to be asked if female professionals want to be work focused in order to rise to partner positions within their law firms. Even though Hakim's theory was not propagated following research on solicitors, it involved women from a broad background – across Europe, Scandinavia, and the US. Thus, the quest to seek answers to this question about the ambition of female solicitors within the profession.

Research Question 2

- To what extent does the culture in small, medium and large law firms impact the career advancement of female solicitors?

This question was posed to understand what occurs in law firms of different sizes. Although law firms have the same goals, the culture within might differ and affect the structure and policies therein. Much of the literature was written some years ago. Current studies have drawn inferences from the previous body of knowledge (McGlynn, 2000; 2002; Sommerlad, 2007; Sommerlad & Sanderson 1998).

An investigation into the current culture facilitated the understanding of the changes that have occurred so far.

Research Question 3

- How is the promotion to partner process in small, medium and large law firms determined and implemented in the UK, and how can it be improved?

This research question remained vital in the study in seeking to find answers to the research problem. Apart from non-lawyer investors who are partners in ABS firms, the majority of the qualified lawyers get to that stage through internal promotions by the firms in which they practice. Hence, the very need to find answers to this research question. The question provided detailed quality data that exposed the otherwise salient factors that have influenced the promotion process and ration in the law firms within the sample group.

CHAPTER 3

RESEARCH METHODOLOGY

3. Introduction

This chapter outlines the research methodology utilized in the thesis. It comprises a detailed presentation of the research method, research design and a detailed discussion about the sampling procedure used. The discussion includes an explanation of the rationale for choosing the sample size and states clearly, the demography of all participants within the sample group.

The chapter further explains the data collection techniques and procedure including when, how, why and where the initial and supplementary data were obtained. It comprises of a detailed explanation of the use of thematic analysis to analyse the qualitative data collected from participants as well as the reliance on an Inductive analytical approach during the thematic analytical process.

Finally, the chapter presents the extent of reflexivity involved during the research and the ethical considerations and requirements that were complied with to during the research. The chapter concludes by pointing out some challenges encountered by the researcher during the process. The purpose is to alert future researchers about those challenges and the need to remain focused during such studies.

3.1 Research Methodology: A Qualitative approach

In any given research paradigm, the methodology relied upon is highly relative to the successful evaluation of the research (Kilbourn, 2006). Creswell (2009) pointed out that there are several approaches a researcher can rely on during a qualitative research. What is of utmost importance is the purpose of the research and that should direct the researcher as to the choice of research methodology. Denzin and Lincoln

(1999) define qualitative research as a multi-method in focus, involving an interpretive, naturalistic approach to its subject matter. Denzin and Lincoln (1999) further explained that qualitative researchers study things in their natural settings, attempting to make sense of, or interpret, phenomena in terms of the meanings people bring to them" (p.2).

The explanatory statement by Denzin and Lincoln (2000) regarding qualitative researches applies to this study because, the purpose of this research was to study the current phenomenon of few female partners in law firms in England, the study was carried out to understand and identify how the promotion process impacts on the career advancement of female solicitors in England and its relation to the unequal composition of male and female partners in law firms. This was done by exploring the work culture, structure, promotion criteria and policies with the assistance of purposely selected participants who formed the research sample. The sample group was made up of two selected small, three medium and two large private law firms in England.

Qualitative research is empirical research, where the data are in non-numeric form (Punch, 1998) but contains rich data obtained as responses to open-ended questions during a research process. The data from this research were detailed narratives of the participants in the form of their experiences, perceptions and opinions. The complex data were not numeric in content and so could not be measured. The only numeric data obtained were about their demographics which comprised of the ages, year of qualification, number of children time spent in their respective law firms. Undertaking this research required a close interaction with participants, who provided the essential detailed and complex data through semi-structured interview with each of them.

Thematic analysis was the main analytical method used and was underpinned by an inductive approach. As suggested by Braun and Clarke (2006), thematic analysis is a method of qualitative data analysis used to identify, analyse, describe and report patterns within rich, detailed and complex data so as to generate themes and theory.

3.1.1 The justification for the choice of qualitative research methodology

A qualitative approach was chosen because this is a social research that seeks to identify the cause of the persistent poor career advancement of female solicitors to the

partner level within the legal profession in England. The aim is to provide a solution through the development of strategies for policy reforms that will induce a change in the current situation.

3.1.1 Qualitative Research as a methodology in Social research

Researchers are obligated to use their engaging power to illuminate the social ills they seek to highlight or obliterate. The researcher is very interested in contributing to the better career prospects and advancement of female colleagues who wish to attain career advancement to the top as partners. The nature of the research questions demanded a descriptive account, which a quantitative approach could not fulfil. Where interviews are required in quantitative researches, they are usually strict, inflexible, objective and close-ended unlike qualitative research, which includes open- or close-ended, flexible questions (Bryman, 2015). Smith (1975) contended that semi-structured interviews are suitable for exploring beliefs, attitudes and values. This research utilized mostly semi-structured interviews as a data collection technique during the research process.

3.1.1.2 Interpretivism as a paradigm of Qualitative Research methodology

Interpretivist researchers seek to understand and interpret the meanings in human behaviours and why they occur instead of predicting them (Neuman, 2000). Interpretivists also believe that this paradigm can be optimized through proper concentration, understanding of motives, meanings, reasons and other subjective experiences of those they seek to study (Neuman, 2000).

A successful conduct of this research required a proper understanding of the phenomena which could only occur by asking questions and obtaining responses.

Following a literature review on the area of study, the three research questions were formulated which could only be answered by participants chosen for this research. From the research questions, it could be adduced that they were open questions that required detailed explanations, narratives of their experiences and expectations. The

research relied on the interpretive paradigm as part of the qualitative methodology to collect the research data. A quantitative methodology was considered unsuitable for this type of social research because Quantitative researchers do not allow participants to explain their choices or the meaning of the questions they may have for the participants (Carr, 1994).

The research questions to which answers were sought are shown below:

- What is a female solicitor's conception of career success and do they aspire to become partners? (RQ1)
- To what extent do small, medium and large law firms' culture impact the female solicitors' career advancements? (RQ2)
- How is the promotion to partner process in small, medium and large law firms determined and implemented in England and how can it be improved? (RQ3)

As Malterud (2001) said, "a researcher's background and position will affect what they choose to investigate, the angle of investigation, the methods judged adequate for this purpose, the findings considered most appropriate and the framing and communication of conclusions" (p.483–484).

The researcher believes that the questions above could only be answered through descriptive and in-depth data obtained from the participants. These descriptive narratives were about their respective individual professional work experiences, perceptions and opinions within the selected small, medium and large law firms in England.

Unlike quantitative studies where objects of investigation are undertaken within confined situations (Carr,1994), this qualitative research took place in its natural setting, i.e. law offices of all of the participants except the two participants that were recruited through snowball sampling. They were interviewed in a designated public meeting place. The researcher was the key source of data collection who planned, arranged and travelled to the various law offices as agreed with the participants to obtain the essential detailed, in-depth data through semi-structured interviews. These were consistent with the attributes of a Qualitative methodology suggested by Creswell (2013;2014) and Marshall & Rossman (2011).

3.1.1.3 Use of Semi-structured interviews as part of the Qualitative Research methodology

With the adoption of a qualitative methodology, the researcher was able to use semi-structured interviews to gather holistic, detailed and descriptive accounts from the participants.

The use of semi-structured interviews enabled a flexible data collection process. In quantitative researches, structured and semi-structured interviews are used but such questions are often fixed and requires definite, straightforward answers. The interview sessions included open-ended questions that enabled the participants to provide, explain accounts of their experiences, personal perceptions and diverse views about their occupation. The semi-structured interviews allowed the researcher to clarify, repeat and ask further questions when required. This could not have been possible if the quantitative approach was chosen (Carr,1994).

3.1.1.4 Proximity to participants during semi-structured interviews

The use of semi-structured interviews as part of a qualitative research method created direct and close contact with the participants at various times and stages of the research data collection process. The researcher was able to communicate face-to-face with participants and sometimes through audio instruments such as telephone and audio-visual media such as Skype. The medium of communication created an opportunity for the researcher to visually observe participants during the interviews and took advantage of cues and non-verbal expressions, like facial expressions and body languages, to understand the standpoint of the individual participants. The flexibility of time, place and content enjoyed during the research period could not have occurred if a quantitative approach was adopted. Interviewees and the researcher were able to ask each other questions for clarity where and when necessary. By so doing, the qualitative data collection method allowed both the researcher and the participants, to understand each other before providing their responses that were recorded. Thus, the issue of third-party influence was non-existent as questions were asked and responded to directly and immediately. Moreover, the semi-structured interviews were not a one-off event because the questions were often restructured

when a participant did not understand. A consistent engagement in self-reflection during the interview stages was adopted to prevent bias arising from the researcher's values as constructed by personal background, gender, history and culture.

3.1.1.5 Thematic Analysis as part of a Qualitative Methodology

The adoption of the qualitative methodology with an interpretive paradigm produced detailed narratives. One of the recommended qualitative research analytical methods is a Thematic Analysis. Qualitative data collection depends on interpretation so, the data requires several explanations and interpretations. Riesman (2008a) explained that even though there exist other ways of analysing qualitative data, the thematic analysis remains one of the best choices for qualitative data analysis.

Thematic Analysis deals with the content of the narratives being communicated and has the advantage of being methodical and detailed, while still retaining the sense and essence of the whole story. Riesman(2008a) reiterated this as one of the positive aspects of using thematic analysis. The thematic analytical method could be adopted using an inductive or deductive approach in determining how to observe and identify the patterns as to develop themes.

Thematic analysis with the aid of NVivo, an electronic computer software, was carried out for data analysis (Braun & Clarke, 2006). The data analysis process has been explained in section 3.6 of this thesis.

3.1. 1. 6 Inductive and Deductive approaches in Thematic Analysis

There are two different approaches open to the researcher to utilize when analysing data during qualitative research. The choice of approach depends on the purpose and aim of the qualitative research. In this research, the inductive approach was relied upon instead of a deductive one. The two approaches have been briefly described for a clear understanding of the differences. The reason why an inductive approach was used during the thematic analysis of the research data is also explained.

3.1.1.6.1 An inductive Thematic analytical approach in Qualitative Research

An inductive analytical approach was utilized during the thematic analytical process. The reason for using an inductive approach instead of a deductive approach is based

on the need to utilize the actual qualitative data obtained from participants. The data as obtained from participants were then used to derive the structure of analysis. Thomas (2003) explained that the primary purpose of the inductive approach “is to allow research findings to emerge from the frequent, dominant or significant themes inherent in raw data, without the restraints imposed by structured methodologies” (p.2).

This research utilized the inductive approach because it enabled the researcher to focus on data as obtained directly from the participants from where the themes emerged (Roulston, 2010). Some of the themes and sub-themes were generated from the topics initiated by participants which led the researcher to probe further by asking more questions. An example of a very useful sub-theme that emerged during the analysis of the data obtained through the semi-structured interview is the ‘culture of silence’ in firms. This emerged from the main theme (culture of law firms). There were no predetermined or preconceived ideas about the themes or subthemes. Instead, the researcher searched for those themes by examining the data.

Although the research questions were designed following the literature review, the themes (those patterns that captured the key idea about the data concerning the research question) emerged within the dataset (Braun and Clarke, 2006; Roulston, 2010). Braun and Clarke (2006) called the inductive analytical approach, the 'bottom-up' way of theme identification within the qualitative data.

Thomas (2003) enumerated the advantages of using the inductive thematic analytical approach to researches. These advantages include but not limited to the following listed below.

- It can be used to condense extensively and varied large data into a brief, summary format
- It assists the researcher to establish clear links between the research objectives and the summary findings derived from the raw data
- It can be used to develop a model or theory about the underlying structure of experiences or processes which are embedded within the raw data.

This research contained extensive raw data as transcribed from the recorded semi-structured interviews with participants but was subsequently reduced during the analytical process. The researcher enjoyed these advantages as specified by Thomas (2003). The advantages so mentioned

also justified the reason for choosing the inductive thematic analytical approach.

3.1.1.6.2 A deductive thematic analytical approach in a qualitative research

Although the qualitative data of this research was analysed using inductive thematic analysis, a brief understanding of a deductive thematic analytical approach has been discussed to explain the differences and why the method was not utilized in this research.

In a deductive thematic analysis, a structure or predetermined framework is used to analyse data (Braun & Clarke, 2006). Researchers utilizing this approach usually have an already developed hypothesis that will be subjected to analysis for further proof. It leads to a lack of flexibility of analysis which can bias and limit the interpretation of the data (Thomas, 2003).

This research had no predetermined research question or themes. The research questions were developed and designed following a review of the literature relating to the area of research. The deductive analytical method was not relied upon even during the research.

3.1.2 Limitations of Qualitative Research

One of the limitations identified in qualitative research methodology is the lack of a large sample. Due to the time and costs involved, qualitative designs do not generally draw samples from large-scale data sets. Creswell (2007) also identified some problems such as the extensive time spent obtaining data, the expertise needed to analyse data. Creswell(2007) further stated that the inability to replicate studies due to the central role played by the researcher and issues of adequate validity and reliability of data form part of the limitations.

Problems were encountered at the initial stage with finance and time. Solicitors are often very busy and get paid for their time. So, it was difficult to get the participating solicitors to provide time- frames that suited the researcher. Instead, the schedules as chosen by the participants were accepted without much choice by the researcher. Financial issues also arose with the researcher to an extent because reasonable travelling expenses were incurred. These were spent on travelling to locations to meet

with participants. The situation was slightly alleviated when a student discount travel card with a 30% discounted fare was applied for and obtained by the researcher.

3.1.2.1 Validity and Generalisation

Although issues of validity and generalization have been identified as limitations of qualitative research, Noble and Smith (2015) have considered that the issue of validity and generalisation of qualitative research outcomes are not entirely relevant. Lincoln and Guba (1985) posited that what matters in qualitative research is credibility, truth value, consistency, neutrality and applicability.

The findings of this research meet these requirements, as they are credible, of real value and can be applied to small, medium and large law firms. The composition of the research sample also makes it more representative of the solicitor population in England and so the recommendations can be applied to all types of firms.

3.2 Research Design

In conducting this qualitative research, the interpretive paradigm was considered, whereby the expressions of participants, their detailed views, opinions and experiences were heard directly. Semi-structured interviews were the method through which qualitative data was collected. This created a point of direct interaction between the researcher and participants.

Qualitative approaches rely on smaller rather than large groups (Creswell, 2007; Palinkas, Horwitz, Green, Wisdom & Hoagwood, 2015). Even though the research is about the career advancement of female solicitors in private law firms in England, it will be unrealistic to involve the entire population of female solicitors in England. A representative group has the potential to reflect the various characteristics found within the whole population of female solicitors in England and to provide the framework for the research.

3.2.1 Sampling technique: Purposeful sampling

The purpose of the investigation determined the research design and the sampling method chosen. A researcher needs to focus on what is being researched, to prepare, organize and mentally and physically face the task (Paton, 1990). Purposive samples prioritise qualitative findings from perspectives within the population rather than quantitative findings from larger populations (Palinkas, Horwitz, Green, Wisdom & Hoagwood, 2015).

Purposeful sampling was chosen because the participants who were purposely selected, represented the population of the legal profession being studied. A "purposeful" or "purposive" sample design was chosen to ensure that the research problem was adequately addressed through the collection of data from the right sources (Jacobs, 2013).

Since the problem the research aims to solve was about promotion processes and career advancement of female solicitors, it was acknowledged from the onset of the research that the sample population would comprise solicitors practising within England and Wales. The research was later limited to those within England, following a review of the research design. Unlike random sampling where participants are chosen at random without consideration of knowledge or availability, purposive sampling enabled the researcher to identify and select participants based on their knowledge and experience in the legal profession and its work culture. Such sampling techniques are better in qualitative researches for the identification and selection of information-rich cases related to the phenomenon of interest (Palinkas, Horwitz, Green, Wisdom & Hoagwood, 2015).

An observation from initial reviews on qualitative methods created the impression that the area of research would produce rich data. As suggested by Creswell (2007), such sampling techniques involve identifying and selecting individuals or groups of individuals who are exceptionally knowledgeable about or experienced with a phenomenon of interest. Patton (2002) suggested that purposeful sampling must offer

a rationale for selecting the study participants who can be linked with the aims of the investigation.

The researcher believes that practising solicitors possessed the requisite knowledge about their professional lives and experiences and may be willing to participate in the research. It was on the premise that they equally possess the ability to communicate their lived professional experiences and opinions in an articulate, expressive and reflective manner that they were chosen to participate in this research.

3.2.2. The research sample and justification of the choice of participants

Following a revision of the thesis, the population of the research sample was streamlined to include only solicitors from England. The population remained the same and consisted of thirty-five participants. The sample comprised of fifteen female solicitors, thirteen male solicitors, five Managing Partners, a Human Resource Director and a Sole practitioner, all chosen from two small, three medium and two large law firms. Two of the female participants were no longer in practice

One of the reasons for choosing a purposeful sampling technique was to fill a gap observed within the literature.

Firstly, it was observed that much literature on gender inequality within the profession for the past three decades focused on large or global law firms to the exclusion of small and medium-sized firms. Secondly, different sizes of law firms were chosen to have a full representative data and an understanding of the situation across all sizes of law firms. Thirdly, many male and female solicitors from minority groups such as BAME and LGBT practice in either small or medium-sized law firms and some of the biased, discriminatory practices highlighted by scholars in the literature impacted their career advancements significantly also.

Therefore, even though the research was focused on low representation of female partners, an understanding of professional experiences of solicitors across the various types and sizes of law firms in England helped to throw more light on the issues under study. It also provided a basis for good comparison about how male and female solicitors are dealt with in their respective firms.

Morse (1991) supported purposeful sampling on the basis that it enables the researcher to select participants according to the needs of the study. He posited that all purposeful, selective and theoretical sampling methods are synonymous with each other because "the researcher must have some idea of where to sample, not necessarily what to sample for and where it will lead" (p.625).

Every participant singularly represented the demography of solicitors in private law firms. Each participant's age, gender, sex, race, marital status, sexuality and nationality were individually and separately obtained. The five serving partners, a sole practitioner and HR Manager also formed a vital part of the research because they are an indispensable part of the selection process in the different types of law firms. Their contributions explained the promotion processes and helped show-case the cultures of their respective law firms.

3.2.2.1 Criterion sampling as a component of the purposeful sampling

Criterion sampling is a component of the purposeful sampling strategy. It "reviews and studies all cases that meet some predetermined criterion of importance" (Patton, 1990).

In recruiting members of the sample group, an inference was drawn from the knowledge gained from the literature review. A search of law firms that would meet the criteria of mirroring the law firms in England was duly conducted by perusing the websites of the Solicitors Regulation Authority, Law Society website, websites of individual law firms and the Chambers Student Guide website (a website that publishes comprehensive daily information and history on law firms across England and Wales).

The method of selection of the sample population should consider the extent of generalisability. The criterion relied upon in the recruitment of participants was to be able to apply the results to large, medium and small firms in England (Miles & Gilbert, 2005). The problem of unequal representation of female solicitors at the partner level is a global one (Brenner, 2014; Thornton & Bagust, 2007). Thus, the different characteristics of the different law firms used in the research would produce results and enable new recommendations to be made by the researcher as a contribution to

existing knowledge. The diversity implies that such recommendations can be adopted by law firms beyond England. The aim was to have law firms that met the following criteria that will create a good foundation for comparison. Other sample selection criteria relied upon during the research were as stated in the next subsection.

3.2.2.2. Criteria used to select large firms within the sample group.

- A large firm with significant female partner representation:

This type of law firm would explain the culture and structure and specifically, the promotion model in force and explain further how they have been able to achieve a high female partner presence.

- Also, one that consists of a workforce with a diverse and inclusive structure if possible. Another consideration was to have a large law firm with an ABS. Having a large firm with such a structure enabled the researcher to understand the impact of non-lawyer investors becoming partners and how it impacts the minority (BAME and LGBT) members and the female partner representation.
- A large law firm with little female partner presence compared to male partners, with or without a diverse workforce. The purpose was to highlight the reasons for the lack of female representation through the study of their promotion to partner model.

3.2.2.3 Criteria used to select medium-sized law firms in the sample group

Two large, three medium and two small law firms were chosen. The choice of three medium law firms was to have detailed knowledge of the practice model. A high volume of literature exists about large law firms but few on small and medium law firms.

There was a desire to fill this gap by including an extra medium-sized firm to highlight further the model of work structures, cultures and some possible aspects of contemporary law practice not fully covered by the current literature. Secondly, there is a thin line between some medium and large law firms regarding focus and sphere of practice. Some law firms have been categorized as "medium" due to the number of

practitioners even though they engage in an extensive network of law practice. The intention was to capture some characteristics within medium-sized law firms which would have an impact on the structures and culture of the firm. One such characteristic is a medium-sized firm with ABS. The structures have implications on the partner structure and promotion model, hence differ from another medium law firm without an ABS. Among the selected sample group are large and medium-sized law firms with ABS.

Another primary consideration was to choose a medium-sized law firm with considerable female partner presence, with or without a diverse workforce, with little or less commercial engagement.

Lastly, a medium-sized law firm with or without high female partner presence, high commercial involvement, with or without an ABS structure but with a diverse workforce (presence of minority solicitors from BAME, LGBT) met the criteria.

3.2.2.4 Criteria used to select small-sized law firms in the sample group

- The criterion was for a small law firm with two or more male or female partners in England, to have a considerable number of minorities (BAME, LGBT, disabled) and those with a preference for private clients and a mixture of commercial or corporate law practice areas.

Or

- A small firm owned by a male or female solicitor without a partner but with some considerable workforce operating either within the regions or in the city of London.
- The second consideration was to choose a sole practitioner who has the propensity to promote solicitors to partner position. Once a sole practitioner appoints another to become a partner, the structure of the practice automatically changes from sole to partnership. The criterion of choosing such a partner was a point the researcher intended to explore.

The seven purposefully selected UK law firms were deemed to be representative of the whole and to equally possess those variables that provided a better understanding

of the phenomenon as at the time of choosing them. These firms within the sample group were chosen to develop relevant and accurate statements that can explain the situation of concern and to be able to describe the causal relationships of interest (Cassell & Symon, 2002; Creswell, 2013). They all were duly informed why they were chosen for this research before they accepted to participate.

Figure 3.1 shows the characteristics of the seven law firms within the sample group. The details provided are from their offices based in London or within the regions only, as this research is focused on law firms in England. The description and composition may be subject to change at any time, bearing in mind the dynamic nature of the law practice/business. Changes in the competitive international markets affect their business strategy to an extent. Thus, most of them are dynamic and may not remain static all the time.

Figure 3.1 Characteristics of the seven different law firms under study

Law firm	Size	Date Established	No. of male partners/ Executive Director	ABS	No. of female partners/ Directors	Trainees	Solicitors	White/ Caucasian %	BAME %
A	Small	2007	1	-	2	2	3	90	10
B	Small	2004	0	-	1	0	4	20	80
C	Medium	1998	11	ABS	5	9	50	56	44
D	Medium	1989	9	-	4	12	44	45	55
E	Medium	2001	10		3	9	28	55	45
F	Large	1987	28		8	20	89	75	25
G	Large	1938	36	ABS	16	11	68	80	20

Culled from each law firm as of 2017

Law firm 'A': Small

Firm 'A' is a small high street firm founded in 2007. Areas of practice include Immigration, Family, Employment and Human Rights Law. There are three partners, comprising two females and a male. There are two trainees and three solicitors, with a white majority ethnic representation, who undertake all aspects of private client work including Asylum and Immigration, Criminal Law, Family and Employment Law.

Law firm 'B': Small

Firm 'B' is a small-sized high street law firm also that was established in 2004. It specializes in Immigration, Landlord & Tenant, Crime, Family Law, Immigration, Debt, Employment and Consumer Affairs. The composition includes a sole female practitioner, fifteen solicitors and three trainees. The firm was chosen to ensure that a small firm with an ethnic minority is included in the sample group. It was also chosen to explore the promotion process which could change the structure of the firm. As a sole practitioner, there is no partnership. But once a new partner is appointed, the structure of the Sole practice changes to that of a partnership.

Law firm 'C': Medium

Law firm 'C' is a medium-sized law firm established in 1998 and now registered as a Limited Liability Law Partnership. There are eleven males and five female partners. For some reason, they do not have 'partner' designations but are called and also known as 'Directors' even though they are not a Limited Liability Company. There are fifty solicitors and nine trainees. The Human Resources Director was introduced to the researcher as the right person to deal with the research matters and so acted alongside other participating partners and sole practitioner in the research.

An overview of the firm's structure boasts of a diverse gender presence. It has a high presence of BAME solicitors engaged in a high level of private and public funded asylum, immigration, criminal, family, child care legal services, mental health law and property law. It also has a high volume of Duty Solicitor responsibilities dealing with criminal and immigration law detentions across England.

Law firm 'D': Medium

Law firm 'D' medium-sized law firm was founded in 1989 with its main operating bases in London and Manchester. It has nine males and four female partners, forty -four Solicitors and twelve trainees. Its areas of specialization include corporate law, maritime law, international property law, dispute resolution, clinical negligence; employment; oil and gas law; human rights; multi-party actions; consumer law, product

liability and safety. The firm has a large pool of female solicitors who constitute 60% of its total solicitor population.

Law firm 'E': Medium

Law firm 'E' is a medium High Street firm founded in 2001. It has ten males and three female partners. There are nine trainee solicitors and twenty- eight senior and junior solicitors. Areas of practice include Family law, Public law, Criminal, Corporate Immigration, Intellectual property Child services, Mental Health law, Wills and probate law.

Law firm 'F': Large

This large law firm is also one of those London- based firms that have a reasonable number of women partners. Established in 1987, it specializes in clinical negligence; corporate/commercial, deputyship, Arbitration and dispute resolution, employment, real estate, private client law litigation, clinical negligence. There are thirty -six partners, eighty -nine solicitors and twenty trainee solicitors. The area of specialization is very diverse just like Firm 'C'. Hence, this firm was a useful tool in understanding case allocation strategies, trans-regional and international demands that are likely to impact female career advancement. The importance of their participation was the opportunity to benchmark their promotion to partner level model against others. Having such group participation aided an excellent comparative analysis.

Law firm 'G': Large

Law firm 'G' is a large global law firm established in 1938 with branches in several countries. This figure shown here is for those in London office only. It has fifty-two partners, sixty-eight solicitors and eleven trainee solicitors. Overall global details include four hundred and forty-seven partners and two-thousand-two hundred solicitors. It boasts of twenty -eight overseas law offices and engages in international corporate law practices (including private equity and environment), Intellectual

Property, pensions, International banking, capital markets, financial regulation, project, International real estate and construction, investment management, dispute resolution. The firm was chosen due to its geographical spread around the world. It is also an ABS law firm.

3.2.3. Snowball as a Sampling technique used in this research

Snowball sampling is a research technique which encourages individuals within a substantive sample group to invite persons outside the group who may have requisite knowledge about the subject under exploration (November 2008). The purpose is to obtain more data from those who may not be within the immediate sample group. Those, for instance, who may have left a chosen law firm but whose experiences were deemed vital can be contacted through existing participants and included in the sample group. This was achieved with the recruitment of two ex- practising female solicitors as participants.

3.2.4. Limitations of Purposive Sampling Technique

It is possible that some candidates would have been better represented than some chosen. Purposeful sampling may still not provide participants with all characteristics required. More practitioners from LGBT should have been recruited.

3.3 Description/Demographics of the Research Participants

There were thirty- five research participants. Among them were five Managing law Partners, one Human Resource Director and a Sole Practitioner, all in positions of authority that make promotion decisions. The twenty-six participants were all practising solicitors and two former practising solicitors recruited through the snowball sampling technique. Cognizance was taken of vital demographic data about the participants' positions within the law firms with regards to age, race, sex, gender, marital status, sexuality, nationality and post qualification experiences (PQE).

The reason for choosing the three different sizes of law firms have been given above at 3.2.3 above. The suggestion of Gilbert's (2005) was adopted in this research. He opined that a researcher needs to identify the essential features within a sample population by choosing participants that are likely to provide the diverse and wide variation. Hence, this sampling strategy was used to achieve diversity with regards to the participants' fields of work and socio-economic backgrounds. Male solicitors were chosen to have a balanced data about their experiences also as suggested.

The semi-structured interviews provided an opportunity for the researcher to explore the specific experiences, prejudices and opinions of the participants as to be thoroughly acquainted with the real situation under investigation. Despite the research being focused on the female exclusion at the partner level and marginalization within the legal profession, it made more meaning to include others who have undergone similar prejudices. Junior associates were recruited to verify the claim of some scholars regarding the trend of clustering of women at non-legal positions (Bolton & Muzio (2007; Feenan, Hand & Hough, 2016).

The research by Ward, Moran and Winterfeldt in 2012 found that unmarried junior solicitors were being given more caseload than married female solicitors who worked part-time. It was, therefore, essential to identify the impact of the massive workload culture on the well-being of solicitors. Below, are the tabulated characteristics/demographics of all the respondents as grouped according to the size of the firms at the time of research interviews.

3.3.1 Demographics of the Research Participants from 2 Large law firms.

Participants from the two large law firms included two partners, three senior solicitors and three associates whose demographic details are shown below.

Figure 3.2 Demographics of the Research Participants from Large law firms 'F' and 'G'.

Law firm	Post	Sex/ Gender	Age	Marital Status	PQE	Nationality	Race	Sexuality	No of Children	Research Identity
F	Partner	M	40-45	Married	-	British	White	H	3	MP1

G	Partner	M	40-45	Married	-	British	White	H	2	MP2
F	Senior Solicitor	F	40-45	Divorced	8	British	White	H	2	PFS1
G	Senior Solicitor	M	35-40	Married	6	British	White	H	1	PMS2
F	Senior Solicitor	F	35-40	Single	6	Dutch	White	H	0	PFS3
G	Associate	M	25-30	Single	4	British	Black	H	0	PMS4
F	Associate	F	25-30	Single	3	British	White	H	0	PFS5
G	Associate	F	30-35	Single	3	British	Asian	H	0	PFS6

Data compiled as at 2017

Abbreviated words: H= Heterosexual. PQE= Post Qualification Experience

MP = Male Partner

FP=Female Partner

PMS= Participating Male Solicitor

PFS= Participating Female Solicitor

Figure 3.3 Demographics of the research participants from 3 Medium law firms: 'C', 'D' and 'E'

S/n	Position	Sex	Age	Marital status	PQE	Nationality	Race	Sexuality	No of children	Research Identity
C	HR Director	M	35–40	Married	-	British	Asian	H	1	HRD3
D	Partner	M	40–45	Married	-	British	White	H	2	MP4
E	Partner	F	40–45	Single	-	British	White	H	1	FP5
D	Senior Associate	M	30–35	Married	4	British	White	H	3	PMS7
C	Director	F	40–45	Married	5	British	Black	H	1	FD8

C	Director	M	30–35	Single	4	British	Asian	H	0	MD9
C	Director	M	35–40	Married	7	British	White	H	2	MD10
D	Senior Associate	F	40–45	Married	8	British	White	H	0	PFS11
D	Senior Associate	M	30–35	Married	6	South African	White	H	2	PMS12
D	Senior Associate	M	30–35	Married	5	British	Black	H	1	PMS13
E	Senior Associate	M	35–40	Single	7	Australian	White	H	1	PMS14
E	Senior Associate	F	30–35	Married	8	British	White	H	1	PFS15
E	Associate	M	30–35	Single	4	British	Black	G	1	PMS16
E	Associate	F	30–35	Single	5	British	White	H	0	PFS17
C	Associate	M	25–30	Single	4	British	Asian	H	0	PMS18
D	Associate	M	25–30	Married	4	British	White	H	0	PMS19
C	Associate	M	30–35	Single	3	British	Black	H	0	PMS20
E	Associate	F	25–30	Married	2	British	White	H	1	PFS21

Source: Semi-structured interview data

Figure 3.4 Demographics of the research participants from 2 Small law firms: ‘A’ and ‘B’.

Law firms	Position	Sex/ Gender	Age	Marital status	PQE	Nationality	Race	Sexuality	No. of Children	Research Identity
A	Partner	F	35–40	Married	-	British	Asian	H	2	FP6
B	Sole P	M	50–55	Married	-	British	Black	H	3	SOLE
A	Senior Solicitor	F	35–40	Married	6	British	Asian	H	1	PFS22
B	Senior Solicitor	F	35–40	Married	5	British	Black	H	3	PFS23
A	Senior Solicitor	M	40–45	Married	6	British	Black	H	0	PMS24
B	Solicitor	M	30–35	Single	3	British	Asian	H	0	PMS25
A	Solicitor	M	25–30	Single	3	Pakistani	Asian	H		PMS26

Source: Semi-structured interview data

Figure 3.5 Demographics of 2 research participants from the snowball sample group

S/N	Designation	Sex/ Gender	Age	Marital status	PQE	Nationality	Race	Sexuality	No of Children	Research identity
F	Ex-Senior Associate	F	35–40	Married	10	British	White	H	2	ExPFS27
G	Ex-Senior Associate	F	35–40	Widow	9	British	White	H	1	ExPFS28

Source: Semi-structured interview data

Abbreviations:

F=Female

FD=Female Director

G=Gay

M=Male

MD=Male Director

PMS=Participating Male Solicitor

PFS=Participating Female Solicitor

Ex-PFS= Ex-Participating Female Solicitor

3.4 Recruitment of Participants for the research

The participants were recruited using different methods as deemed appropriate. Following the confirmation of the research design, contact was established with the various participants.

3.4.1 Recruitment of Partners, Sole Practitioner and HR Director

The qualitative research protocol was developed shortly after the proposal was accepted. Various SRA and Law Society websites were explored, with notice being taken of the registered private law firms in England. The websites of several law firms were reviewed while cross-checking their areas of specialisation and partner ratios across the different sizes of firms in England

Most of the issues reviewed within the literature were on large law firms to the exclusion of many medium and small law firms. The researcher desired to have a representative study that would include various types and sizes of law firms because the marginalisation and low representation of female partners are not limited to large law firms only (Webley & Duff, 2007). Once the law firms were chosen using the criteria set out in sub-section 3. 2.3.1, the profiles of partners were re-checked through LinkedIn and their respective law firms' websites to ensure that they were still in practice. The step was taken to prevent any changes that might have occurred during the period.

In total thirty emails were sent out to various partners. Email response was inadequate as only four responded. Three recipients turned the invitation down due to busy schedules. Many law firms have the details and photographs of their personnel on their websites. Telephone contact became the means utilized. With the information obtained from several law websites and cross-checked on the LinkedIn website, the firms were contacted directly.

While some responded directly, the majority had their secretaries and receptionists as preferred points of contact and to whom the purpose was explained at the onset. The initial contact was beneficial because it helped to create access to the partners over time.

The Sole Practitioners Group, UK, was contacted for assistance. An announcement about the recruitment of a participant for the research was made and as a result, a sole practitioner volunteered to participate. Even though a Sole practitioner's firm does not fall into the category of law firms with partnerships, it was included with the aim of exploring the promotion to partner process. Some firms with sole practitioners transform into partnerships once a promotion as a partner of one or more of the senior advocates occurs.

During several initial telephone conversations with the partners and HR Director at different times, the research topic and purpose of the research were made known to them. They were also informed that a letter explaining the terms of participation and ethical implications as to confidentiality would be sent to them. These letters as shown

in Appendices 5 & 6 of this thesis were prepared over a period of four weeks of initial contact in person and delivered to the respective partners.

The invitation letters contained information about the research area, aim, objective and goal. The letters explained clearly that the research was in fulfilment of the researcher's Doctorate Degree as approved by the University of Bolton. It took about three months to obtain positive responses from all partners. A partner opted out and provided the HR Director, whom he believed dealt more with such promotion issues as a replacement. All participants expressed concern initially about issues of confidentiality, but they were all assured about the need to maintain same.

3.4.2 Recruitment of male and female solicitors as research participants

Participants from small, medium and large law firms were recruited once partners of their respective law firms were selected. The solicitors who participated were also chosen from the same law firms because it was deemed essential to obtain data from the same sources to understand how each law firm operated. It helped the researcher to corroborate and verify data obtained.

The recruitment of solicitors started with a telephone and email contacts. Before this, the profiles of the law firms have also been perused online through their respective websites. The Chambers website which provides regular information about law firms and individual websites of law firms in England and Wales was surfed. Most websites of law firms contain the direct telephone numbers, pictures and areas of specialisation of their senior associates and some outstanding solicitors who have dealt with famous reported cases. LinkedIn social network website was very useful in obtaining direct emails of solicitors and for the confirmation of their areas of specialization.

In cases where direct contacts of the solicitors were missing, searches were conducted through the law firms' sites and followed up with visits to their respective law firms. Designated cafes around their offices were visited during lunch hours to establish more rapport with the participants at the time.

It was slightly tricky both logistically and financially to recruit the solicitors even though they are professional colleagues of the researcher. Most were apprehensive initially

about participating in the research. Through the initial contacts made, further contact with others was initiated. Participants were also chosen based on the criteria as to age, sex, post qualification marital status, gender and the size of firms where they practised.

Once the consent of the solicitors to participate were obtained, the letters were delivered to all of them personally at different times. Privately addressed letters were sent as suggested by some of them due to the possibility that their office management could access their office emails. The letters were personally delivered at and around the various firms to ensure confidentiality.

In the letters, all participants were duly informed about the research content, aim and goal. The solicitors found the topic exciting and said they had a lot to express about their work–life experiences. The recruitment of all the solicitors took about three and a half months. During the first batch of interviews, none of the participants accepted being a member of the LGBT network. Thirteen males, thirteen female solicitors and two non-practising female solicitors were recruited in total.

Most of the solicitors preferred to remain protected from their law firms' partners for fear of being victimised. Thus, the issue of confidentiality was paramount more than the time spent during the semi-structured interviews.

Potential interview questions were discussed with participants before the interviews were held. Some participants requested for the questions before the interview sessions and were duly served in person so that they were fully aware of the details of the interview process as recommended by Arksey (1999). Appointments for interviews were made with participants, which mostly took place at their workplaces and preferred locations in nearby cafes. The two ex-solicitors were interviewed at an agreed Conference centre at Kings Cross, in London since they are no longer in practice. Each interview lasted between forty-five to sixty minutes.

Most of the semi-structured interviews were held at noon and early evenings because participants had to attend to their requisite work schedules before providing time for the semi-structured interview sessions. The data collection process began in September 2015 and ended finally ended in November 2017 with a post-viva interview held with PMS16 to have additional data about his experiences as a gay solicitor.

3.4.2.1. Post-viva recruitment

Following researcher's viva in 6th October 2017 and the need for a revised thesis, Participant PMS16 who had initially refrained from indicating his sexual preference was contacted. The outcome of the researcher's viva and the interest in exploring LGBT experience were discussed again. At this stage, he agreed to grant an additional semi-structured interview. Record of the additional interview questions is at Appendix 3 of this thesis. Handwritten data obtained from Participant PMS16 are in Appendix 4.

3.4.3 The timeframe for the recruitment of research participants

By September 2016, all participating solicitors had been recruited. The recruitment of partners took two months while it took three and half months to recruit the solicitors who participated in the research.

3.5 Research Data Collection

The semi-structured interviews with participants as mentioned earlier were the primary sources of data collection. The other sources were SRA, Law Society publications, survey reports, Law Reports, articles and law journals, online legal news reports, Law Gazettes. Relevant articles about private law firms as well as documents produced by participants to corroborate their claims. The interview process was two-fold.

Semi-structured face-to-face interviews were held with each of the five partners at different appointed times. The HR Director responded to the questions via email. Burns (2010) supported the use of email as a source of data collection in qualitative studies.

The semi-structured interviews were held with partners from large, medium and small law firms because the researcher believed it was plausible to obtain data from those in authority also. The data collection was done with the aim of hearing from both sides (employers/managers and employees) to have a balanced view of the situation. Establishing initial contact with each partner was more difficult than with the solicitors.

3.5.1. Method of data collection: Semi-structured interviews with participants

Face to face semi-structured interviews were the primary methods of data collection. These were conducted using an audio-cassette recorder, electronic Skype audio-visual system and email. The processes have been described below to provide an insight into the qualitative data collection process.

3.5.1.1. Audio Cassette Tape Recording

All participants (except one) were initially interviewed face-to-face by the researcher at different times. The method of collection of research data from the participants was with an electronic and battery- operated cassette tape recorder otherwise known as 'Dictaphone'. An advantage of this device was that it records all verbal responses. All recordings were done verbatim during the interview process

The cassette tape was used to record responses verbatim from participants. This was done by placing the audio cassette recorder on a table or stool close to each participant. All participants were aware that their individual responses will be recorded verbatim during the semi-structured interviews as stated in the invitation letter as shown in Appendix 5 of this thesis. Just before the interviews began, the recorder was switched on and the 'record' knob was pressed down so that the responses of participants were recorded verbatim by the cassette tape. The tape had a double - sided recording capacity, so it could record up to 2 hours of verbal response on both sides.

Secondly, the cassette tape was rewindable. It could be fast-forwarded or stopped at any time during the interviews by pressing designated 'Stop' 'Fast-forward' or 'Rewind' buttons manually. On occasions where responses from participants were not precise, the buttons were used to enable a repeat of a previous recording. In some instances, the rewind button was used to play back a recorded response as to listen to a previous recording. The aim was to clarify a previously given response to questions. The cassette used could be recorded on both sides thus giving enough recording time. Each cassette could record up to at least one hour of audio content.

The use of the cassette tape recorder made it easier for the researcher to focus on the interview content (Jamshed, 2006). Knowing that all contents were being recorded verbatim facilitated some trustworthiness of the content being recorded. Where interviews are handwritten, there remains the likelihood of omissions of actual data or misconstruction in the way it is written by the researcher (Creswell, 2007).

A significant disadvantage of the cassette tape is that it is only an audio - recording device and could only record voices and not images. All recordings were done verbatim during the interview process.

3.5.1.2. Skype as an electronic medium of data collection through semi-structured interviews

The second method of data collection from some participants was through a computer-based electronic application called 'Skype'. Skype is an electronic audio-visual device that could be downloaded onto a computer and used for cyber communication. It has a double function of being able to capture both audio and visual recordings. However, the images were often not very clear during transmission and sometimes lost connection depending on the airwaves.

This method of semi-structured interviews was used as a supplementary form of data collection from four female senior solicitors who were participating in the research. It was used as a follow-up interviewing process to discuss the issue of senior officers being left at their positions for a long time without being formally promoted to the position of partners within their respective firms.

The advantage of this means of data collection rests on the fact that participants could be seen on screen. It was possible to observe body language and facial expressions of participants.

3.5.2. The semi-structured interview schedule with law firm Partners and HR manager

All the semi-structured interviews, including the face-to-face sessions with the partners, Sole practitioner were conducted in English and took place in their law offices. The response of the HR Director to interview questions were sent by email.

The use of audio Cassette tape recorder called 'Dicta-phone' was made known to the participating- partners before the interview. Some did express concern over the audio recording. The need to record the interviews verbatim on a cassette tape to save time and enable a verbatim transcription of all data was explained to all participants.

Moreover, being a detailed qualitative interview that demands explanatory statements, it was possible to omit vital points if the interviews were not recorded verbatim with the recording device. Notes were also taken of some responses.

Questions that have been replicated and did not require further answers were identified and discarded during the interview process. Many questions were drafted in readiness for the interview, but not all such drafted questions were used eventually. DiCicco-Bloom and Crabtree (2006) called this type of interview questions, interview guides. The purpose is to achieve optimum use of interview time and to explore from as many participants as possible more systematically and comprehensively. The questions in the interview guide comprised of the core questions and many associated questions relating to the main questions. Initially, there were sixty questions designed for participating solicitors which served as an 'interview guide'. Not all sixty questions were used during the interviews. Only twenty-seven questions were deemed appropriate and utilized. Out of those twenty-seven questions, ten questions were on demographics of the participating solicitors. Seventeen were open-ended questions. Please see Appendix 2 of the thesis.

With regards to the semi-structured interview held with participating partners, a total of thirty-two questions were written as an 'interview guide' as suggested by DiCicco-Bloom and Crabtree (2006). The participating partners were from 3 different law firms which implied that all questions could not apply to all of them.

Participants were assured that the semi-structured interviews would remain confidential and will be discarded once the contents were fully transcribed and analysed. All the partners spoke freely yet cautiously during the interviews and were notified to ask the researcher questions for further clarification where and when necessary.

The face-to-face interviews enabled the researcher to observe the body movements of participants as well as changes in tone and language when questions probing

possible biases or omissions were posed. The participants were cautious during the face-to-face interviews about being too specific when providing examples to clarify or emphasize a point.

3.5.3. Supplementary semi-structured interviews in a Qualitative research

Supplementary interviews in qualitative research are usual (Jamshed, 2014). The purpose often is to either corroborate, clarify or add more data as may be required. It could be face to face or by telephone or in writing.

3.5.4. Schedule of semi-structured interviews with partners and HR director

The semi-structured interviews were all face-to-face. Open questions were used during the interview and recorded using electricity/battery operated hand-held cassette player called 'dicta-phone'. The initial questions covered demographic questions like age, nationality, marital status, sexuality, the number of children, education, year of qualification and the length of service as partners and dates of establishment of firms.

The interview sessions approximately lasted between ninety minutes and two hours. There were telephone interruptions during interviews and sometimes lengthened the interview sessions. Interview questions covered the promotion to partner criteria, work process, work-life balance, flexible/part-time working conditions, well-being, management, case allocation, areas of specialisation, networking issues, equality and diversity issues.

The semi-structured interview sessions gave the partners the opportunity to express their management experiences, roles, techniques, promotion models, opinions and perceptions, which formed a significant part of the data. This complied with the suggestions of Smith (1975) and Kendall (2008) whom both emphasized that semi-structured interviews are appropriate for exploring beliefs, attitudes and values. The other portion of the research data comprised of those obtained from the participating solicitors.

Open-ended and some probing questions were asked which enabled more insights into their responses. Questions were repeated to recapture unclear responses. In a qualitative interview session, there is no strict structure. The flexibility of the qualitative approach allows the researcher to ask more or other questions having bearings on previous responses to obtain more data (Kvale, 1996). Specific questions were asked to which participants responded.

The researcher listened actively, patiently and emphatically and ensured that the participating partners did not go beyond what was not connected to the subject matter (Berg, 2009). Clarifications were always made on both sides when required.

Overall, the semi-structured interviews with the participants threw light on the issues under exploration and provided answers to the research question.

3.5.5. Data collection from Participating Solicitors

As stated earlier, data were obtained from two main groups of participants (those in authority like partners, Sole practitioner, HR Director and then the employed solicitors). Different sets of questions (Appendices 1 and 2) were designed to match the category of participants. Different sets of questions yielded different but appropriate responses about the issue under study.

The data reflected the actual position of the situation across the different law firms in England (Cassell & Symon, 2002). Serving partners formed the part of the research sample because they are an indispensable part of the selection process during promotions. Their contributions played a significant role in explaining the promotion process while participating solicitors provided the data about their ambitions, challenges and perceptions of their work lives and career aspirations.

3.5.5.1. Semi-structured interviews with participating- male and female solicitors

The semi-structured interviews with participating male and female solicitors formed the second half of the data relied on in this research. It was deemed partial to obtain information from law firm partners without also obtaining detailed data from the work

experiences, perceptions and opinions of those whose plight this research is seeking to explore.

The semi-structured interviews of the solicitors were all in the English language. A similar procedure as in the interviews with the seven partners was followed in the semi-structured face-to-face interviews with all of them. It was easier to have contact with the solicitors than partners because the solicitors seemed eager to share their experiences.

Face-to-face interviews were arranged and held with each solicitor at different times according to an agreed schedule in their law offices. The first batch of semi-structured interviews was held within nine months (November 2015 to July 2016).

The senior solicitors were interviewed first since they were the focus of the research. Senior solicitors with at least six to eight years PQE and junior associates were included in the research to obtain a representative view of some issues raised in the literature review e. g. Female marginalisation and feminisation, discrimination, low pay. (Bolton & Muzio, 2007; McGlynn, 2000; Sommerlad & Sanderson, 1998; Ward, Moran & Winderfeldt, 2012).

During the data transcription process, it was observed that four senior female solicitors/ participants from medium law firms out of the solicitor-participants interviewed earlier were already performing the duties of partners without being formally designated as partnerships for periods ranging from one to three years. The validation of themes in the early and later stages of inductive thematic data analysis was essential to prevent possible loss of vital phenomena (Miles & Huberman, 1994). Reflexivity as an attitude of attending systematically to the context of knowledge construction was undertaken at every step of the research process (Creswell, 2014). The reflexivity led to the re-interviewing of the four senior female solicitors from three medium firms between August and early September 2016 for about 40 minutes each, using Skype.

Skype is a Microsoft electronic media system that enables video sessions. Statements were handwritten as the session could not be recorded simultaneously while using Skype. The use of Skype was suggested to avoid disaffection by participants to save time, limit transport expenses and journey times. During the Skype interviews, the

researcher presented the observations. Each of the four senior solicitors was asked to comment further on their experiences and opinions about their current circumstances. The second interview helped to clarify the data on those being delayed in their respective firms and facilitated to further create meanings of their lived work experiences.

Every semi-structured interview with participants at all stages began with an explanatory statement explaining the aim of the research as well as the terms of participation. Confidentiality issues were clearly explained. All the participants demanded anonymity and confidentiality. All participants were fully informed of the need to record the responses and the reasons why a recorded interview session was preferred were explained to them. The interviews were therefore, held voluntarily.

3.5.5.2. Semi-structured interviews with two EX- practitioners recruited through snowball sampling

All semi-structured interviews with participating -solicitors from small to large law firms were held at their offices except those of the two ex-practitioners who were recruited through the snowball sampling method. The two female solicitors were introduced as those with good professional experiences to share. Semi-structured interviews with them were held at an agreed Conference Centre in the North London in September 2016. Both were interviewed voluntarily on separate days but at their convenient times.

The face-to-face interviews were conducted in English and lasted between 50 to 70 minutes each. Each of the two participants allowed a recording of the interview sessions with a Dictaphone which was later transcribed.

3.5.6. Schedule of semi-structured interviews with Participants

Berg (2009) defined an interview as "a conversation with a purpose" (p.101). The interview schedule was, therefore, arranged in consonance with the format recommended by Teijlingen and Forrest (2004). They proposed that interviews should have a natural flow.

The interview commenced with questions on the demography of participants. Questions on post-qualification experiences were considered very important and used for the comparative analysis of trends in the promotion models.

This was followed by questions on the issues that underpinned the research which helped to either corroborate or dispute the trends found in the literature about the profession. Obtaining their views and explanatory statements on their work-life experiences and particularly their understanding of the implementation of the promotion to partner models in their respective firms provided adequate data from which meanings were created.

The questions covered the promotion processes, long/billable hours, work-life balance, maternity -support, the well-being of participants, law firm management and culture/biases. It also covered issues on case management, networking opportunities, the conception of career success/goals, equal opportunities/diversity and inclusion.

As the purposely selected research sample includes both senior and junior associates, but some questions concerning promotion to partner levels were limited to senior associates. Not all questions on the schedule were asked. It depended on the type of firm and who was the interviewee. Most firms appoint partners from 6 years PQE and above in traditional law firms. In ABS firms, a financial investor approved by the Law Society as fit and well can become a partner or director immediately. No law degree qualification or post-qualification period is required.

Open-ended questions featured mostly during the interview because they provided a framework for rich data (Berger, 2009; Teijlingen & Forrest, 2004). All the participants spoke freely and gave narrative responses where required. Sometimes, follow-up questions by way of exclamations which were not overtly listed within the interview schedule sufficed but helped to clarify or explain data. Such exclamations emerged based on the responses of the participants. An example was exclaiming the word “*really?*” which prompted the participant to provide more explanations.

As the solicitor-participants were from different law firms with various post - qualification experiences, some questions were not asked where such data was not necessary. For instance, issues about the impact of ABS were not put to those in traditional law firms without ABS. Also, participating -full-time solicitors were not asked

about part-time work and its impact on their careers. Those without children were not asked about childcare and or maternity issues except where they indicated having caring responsibilities for non-biological children.

During the second interviews with the four senior solicitors by Skype which focused on their roles, some teary moods were encountered. Two of the participants became emotional while explaining their professional experiences. Although it was for a brief period, it expressed how they felt about their work circumstances.

An effort was made by the researcher to reduce ambiguity by clearly wording the interview questions to which the participants responded fully. Participants were encouraged to openly discuss their experiences by being consistently reminded of the researcher's commitment and adherence to confidentiality and anonymity during the research process. At the end of each interview, each participant was given the opportunity to ask further questions or make comments.

3.5.7. Post-viva/Supplementary semi-structured interview

A third post -viva face-to-face interview session was arranged

in October 2017. Based on the review by Examiners, there arose the need to explore further, the sexual preferences of the participating-solicitors who had earlier been interviewed face-to-face. It was recalled that one of the male participants had expressed a choice not to indicate his sexuality initially.

He was contacted and the researcher's experience at viva-voce was explained to him. The fact that the literature review indicates that practitioners who belong to the LGBT network are marginalised within the legal profession was stated to him. He agreed to an interview, which was arranged at a North London Conference Centre.

A face-to-face interview at a designated place in London was held. Notes were taken as there were only three open-ended questions asked. The face-to-face semi-structured interview session lasted 30 minutes. The time was longer because it was handwritten by the researcher and not recorded as previously done during other interviews.

3.6. Research Data Analysis

The qualitative empirical research data collected were analysed using inductive thematic analysis. In every given research, the chosen analytical method determines how well the data helps to answer the research questions (Creswell, 2007; Jamshed, 2014).

3.6.1. Thematic Analysis of the Research data

Thematic Analysis is a method of identifying and analysing patterns of meaning in qualitative data (Braun & Clarke, 2006). It is also a form of data reduction process during the analytical stage of qualitative research because, the themes form a summary of some otherwise lengthy data or description (Roulston, 2010). The chosen analytical method aided the identification and illustration of themes that are important in the description of the phenomenon under study (Fereday & Muir-Cochrane, 2006).

This research was conducted with a qualitative focus underpinned by an interpretive paradigm, so research data obtained from the participants were in-depth, descriptive and rich. The thematic analysis facilitated an understanding of the extensive data and articulated the themes in a meaningful, readable format.

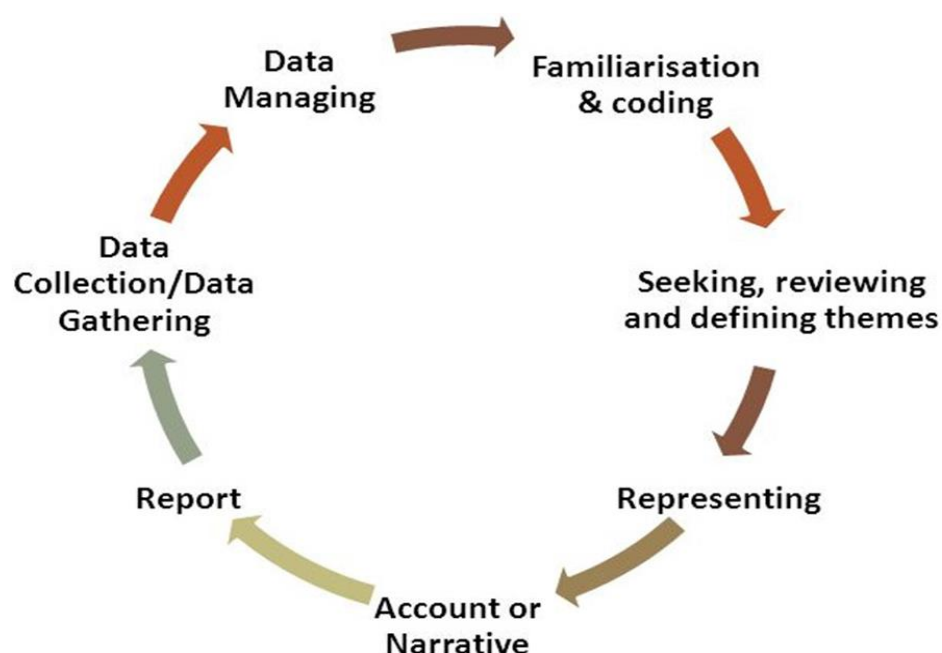
The volume of data was arranged into conceptual clusters according to similarities and concerning the research questions. Thematic coding was subsequently utilized to record and identify passages of the text obtained through the qualitative semi-structured interviews with participants. This was done by linking the data with universal themes and indexed into categories to establish a “framework of phenomena” (Gibbs, 2007). Its flexibility enabled the researcher to reflect during the research analysis and revisit themes of interest for accuracy and validity (Braun & Clarke, 2006). Using a manual approach with thematic analysis could take an unreasonably long time with a possibility of data loss (Boyatzis, 1998). Therefore, like many researchers NVivo, a computer-based software for the generation, sorting and coding of the research data was relied upon (Weitzman, 2000).

3.6.2. Use of NVivo

NVivo is an electronic device coding framework that electronically organizes, structures and codes research data into structured themes as they emerge (Bazeley & Jackson, 2013). In this case, the data was from the several semi-structured interviews from thirty -five participants. So, a case was created together with the attributes to represent each participant. Although the researcher had pre-knowledge of the use of NVivo, an online lecture was undertaken as a refreshment course to re-acquaint the researcher with its use for a better coding process. Braun and Clarke (2006) emphasised the importance of ensuring analytical transparency to elevate the strength of findings and allow readers to understand how conclusions were fully considered.

The thematic data analysis was guided by the six phases recommended by Braun and Clarke (2006) and based on an inductive approach. An illustration of the process is as shown in Figure. 3.6 below:

Figure 3. 6. Thematic Qualitative Data Analytical process



Adapted from McLeod, 2017.

3.6.3. Transcription of recorded interview empirical data

As stated earlier, the semi-structured interviews were recorded verbatim using a cassette tape recorder.

After every interview, the cassette tape used for that interview was labelled for easy identification. The audio-cassette tape was used in the recorder; a handheld electronic/battery operated device. It can be charged and used or used directly with A4 batteries. The audio recordings were then transcribed from the cassettes tapes. This was done by listening to the recorder. Earphones were utilized for better hearing while the recorded responses from the semi-structured interviews stored in the cassette tape were transcribed onto Microsoft Word format. Transcription from the cassette tape recorder to a laptop was done shortly after each interview to avoid losing the cassette tape or having them mixed up. During the transcription, the opportunity to rewind the tape in case of disruption or distraction made it easier to capture every word verbatim.

The advantage of using the recorder as stated earlier, was that responses of participants could be listened to repeatedly. This was to ensure clarity and to ensure transcription of the actual responses devoid of omissions.

Interviews were conducted in English language and transcribed into English also. After every transcription, the interview notes were saved in Microsoft Word office 365 folders created with the initials of each participant. This was done for all interviews. The email response received from the HR Director was not transcribed as it was written in the English language already. The responses were copied and pasted in a folder. Transcriptions of the rest of the tape-recorded verbatim data from the semi-structured interviews lasted for about two and a half months.

3.6.4. Familiarization with research data

Once all recorded interviews were transcribed, the transcribed data were perused several times as arranged. The transcribed data were firstly arranged, according to the sizes of firms (small, medium and large). Data from partners were separated from participating solicitors. Data from participating solicitors were read first as they

constituted the bulk of transcribed data. Although they were stored in a computer, they were also printed out in batches so that they could be read anywhere at random and at will by the researcher. As the scores of data were being read, notes were made of useful vital points in the researcher's memo and on the print-outs. Printing out the transcribed data in batches aided easy accessibility to data. Participants' responses to interview questions and those that related to the research questions were then identified as suggested by Jongbloed (2003). Pens were used to cross those data considered not relevant to the research focus. Even though an inductive approach was utilized whereby the generation of themes was mainly culled from the interview data, there were stages of elimination of irrelevant data. This stage involved elimination of data considered not relevant to the topic under investigation or those that were repetitive.

3.6.5. Structuring and coding data

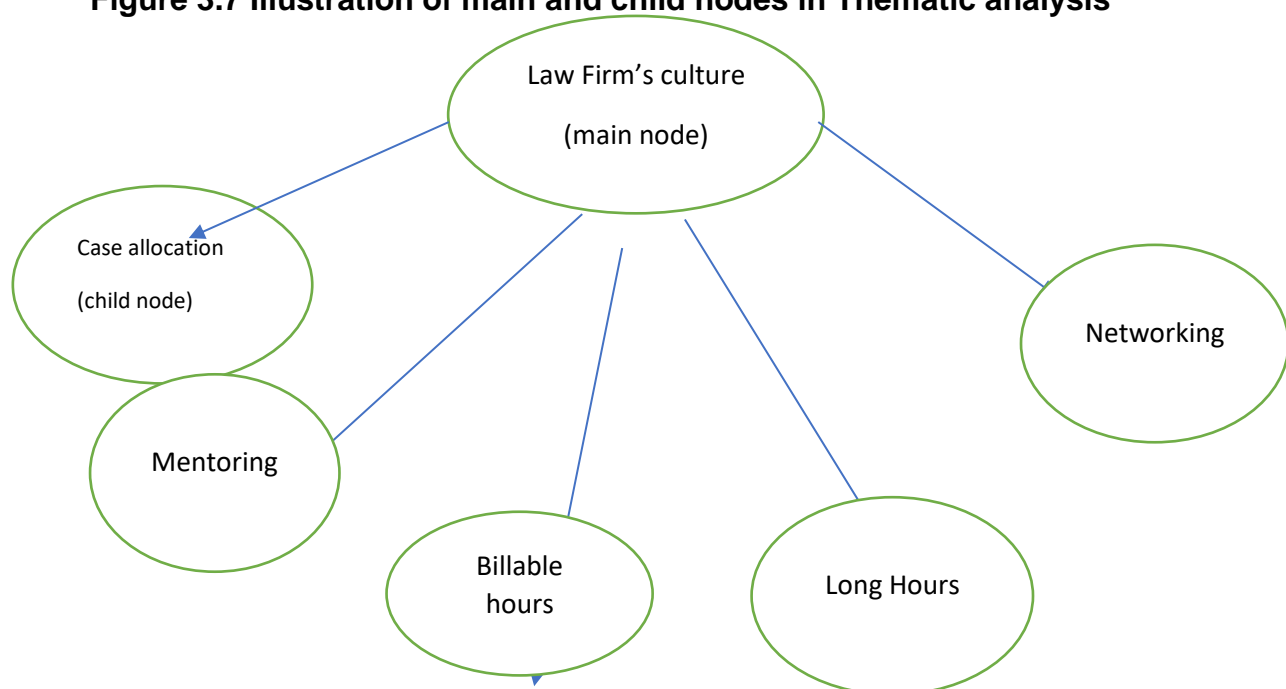
The next step in the thematic analysis involved the structuring of the data. At this stage, the data were prepared for the coding process. The data were initially grouped according to gender. Participants were then grouped with the use of their demographics as to age, sexuality, number of children, marital status. These were manually done. The demographics were required to be included in tables as seen in Section 3. 2. to 3.5. Details were manually identified as provided by each participant and used to establish data for Tables 3.2 to 3. 5.

Based on the literature review and questions, the researcher became very familiar with knowledge of the topics that might occur. Therefore, responses to questions were saved in nodes according to topics. The semi-structured interview questions were categorized into topics (e.g. ambition, work-life balance, promotion process, well - being, equality). Please see Appendices 1 and 2 of this thesis.

Those responses that were considered relevant were all then imported into nodes into the NVivo software. Topic coding occurs when a researcher is aware of focus. Each node of responses was labelled. A node is likened to a storage facility within the software.

Child nodes were created whenever possible. For instance, the second research question was about the impact of law firms' culture on female career progression. The culture of law firms emerged as a primary node. It also became a main theme as most of the participants provided detailed responses/data in relation to the prevalent work cultures in their respective law firms. Within the main themes emerged attributes which were created as a child nodes. These were later categorized as sub-themes. For each type of firm, these nodes were created. Similar steps were taken for the responses of participating-partners and management executives according to the type of law firm and labelled.

Figure 3.7 Illustration of main and child nodes in Thematic analysis



Following the importation of the data into NVivo, codes were chosen according to topics. While reading through data several times, patterns reflecting the questions asked during the semi-structured interviews were identified. All those relevant to the research questions were earmarked and chosen.

Since the approach was an inductive one with a bottom-up nature, the focus was placed on the data, themes and sub-themes as they emerged. The aim was to identify

these themes to reflect precisely what the participants intended to describe and express. In an inductive analytical process, the focus is on examination of data to capture recurring themes (Roulston, 2010). The three research questions were predicated on exploring female solicitor ambitions, the impact of law firms' culture on female solicitor career advancement and the promotion process.

Coding in a thematic analysis is often "a word or short phrase that symbolically assigns a summative, salient, essence-capturing and evocative attributes for a portion of language-based or visual data" (Saldana, 2013; p.3). Therefore, occurring patterns were summarised frequently in a symbolic word or language under which the identified essential themes were indicated. Summarization was done repeatedly as suggested by Saldana (2013) the systematic arrangement was achieved. The data was structured according to the sizes of the law firms (e.g. small, medium and large). Codes were then separately generated for partners/director and male and female solicitors. It enabled the researcher to allocate data from each participant to a given code within the system.

3.6.6. Theme development and reviews

The specific type of thematic analysis utilized in this analysis is inductive and not deductive. An inductive analytical approach is more cumbersome than a theoretical one because, with theoretical analysis, the researcher already has an idea of the patterns that will culminate into themes. While in an inductive thematic analysis, the researcher has little or no idea and is required to conduct a line by line coding to be able to identify themes. Braun & Clarke (2013) says theoretical thematic analysis saves time if the data is large.

A theme is something within the data that captures the key idea about the data concerning the research question. It also represents some level of patterned response or meaning within the data set (Braun and Clarke, 2006).

At this stage, coded nodes were read several times on NVivo to identify significant broader patterns of meaning that culminated into main themes. The researcher proceeded by collating the data relevant to each code while eliminating unwanted and irrelevant data. For instance, based on RQ1 about the career aspiration of female solicitors, similar interview questions that generated data about participants thoughts,

beliefs and career aspirations were asked. These were later reviewed several times and led to the identification of emergent themes from the data. Three main themes emerged from the empirical data following the thematic analysis. These were ambition, culture and promotions. Several sub-themes were also identified within the main themes and formed a large part of narratives which the participants conveyed in their responses.

A set of data was coded and named 'Ambition' which was relevant to RQ1 and another main theme was identified as 'firm's work culture'. This had several sub-themes as earlier identified in child nodes in Figure 3.6 above. It was imperative to identify and choose appropriate themes without losing much data carefully. Quotes that provided a clear narrative of some participants' responses and threw more light on the issues were included.

All responses from the different law firms were accordingly allocated sub-codes as choices, future personal needs, personal goals and finally categorised and themed 'aspirations' to capture the essence of what each theme or sub-theme entailed.

3.6.7. Reviewing themes

The empirical data was reviewed continuously and often relied on the notes to connect and relate similar themes successfully. Notes about the specifics of the responses were utilised to prevent loss or omissions. The memo notes made earlier during the face-to-face semi-structured post -viva interview with PMS16 concerning the impact of sexuality on career advancement was not coded as he was the only respondent. It was easy to read and identify the central theme.

Telephone interviews held with four senior solicitors which were handwritten were typed and included with the transcribed data and imported into NVivo for coding. Some notes in the memo which captured body language / facial expressions were identified and included.

3.6.8. Defining and naming themes before writing up

The flexibility of the inductive thematic analysis method aided the review and definition of the data. A self- reminded as to the essence of their stories, what the themes

indicated and how such themes fit into the overall story of the data were consistently undertaken. For example, for RQ2, a similar process was repeated, but the central theme was found which was very relevant to the research and it was subsequently named 'law firm cultures'. Sub-themes lifted from child nodes such as mentoring, case allocation, networking and culture of silence were duly identified from the data from all participants and named accordingly. Where participants' views or opinions differed, such data was engaged with to bring out dissenting views about the issue under study. Findings were written as presented in chapters 4 and 5 using identity tags, e.g., PMS1 for 'Participating Male Solicitor 1', PFS for 'Participating Female Solicitor'.

3.6.9. Writing down the findings

As a researcher, the preference as to the choice of themes was exercised without losing sight of the aim of the study. Those that made meaning and expressed the idea closely were immediately identified and noted. Very lengthy interview data were either not used and different so that the most related data was coded. Some of the data have been reproduced verbatim for better reading and comprehension while others have been summarised in narratives by the researcher.

Some of the narratives were written down to explain the emerged themes. Word cloud is a function in NVivo which generates most occurring words from the coded data. They served as reminders while writing about the themes that emerged from the thematic analysis. From sighting the words, the researcher was able to refer to the themes in the memo. The larger words were the most frequently occurring words.

3.6.10. Memos in NVivo

Memo in NVivo- based inductive thematic analysis was useful as some significant aspects of the analysed data and interview sessions were stored in nodes as memos. While some were directly imputed, others were imported from the word folder. Emerging themes, patterns, dates of the interview, times and special instructions from participants were stored in the memo also.

3.6.11. NVivo11 Word Cloud Map of patterns word and concepts obtained from Participating Solicitors

Figure 3.8 NVivo11 Word Cloud Map of patterns word and concepts obtained from participating solicitors

, 3.6.12. Nvivo11 Word Cloud from data obtained and analysed from Participating Partners and a Sole Practitioner.

being studied. Inevitably, the software cannot replace the wisdom that the researcher brings into the research because at the back of every researcher's mind lies his or her life history that will influence the way he or she sees and interpret the world" (p.102). A first-hand involvement and dedication were required for a successful outcome.

3.7. Research Ethics

The consideration of ethical issues in a research project has been emphasised by several authors (Bryman, 2015; Creswell, 2013). Creswell (2013) pointed out the need for researchers to endeavour to respect the rights, needs and values of participants.

The ethical requirements duly complied with all through the research process. The consent of all the participants was obtained during the recruitment and at various interview stages. All participants were voluntarily recruited on their own free will. Additionally, all the aspects of the research were explained to participants for better comprehension. An oral and written introduction of the researcher as a research student approved by the University of Bolton commenced at the onset of the process. The purpose and goal of the research were also clearly illustrated to participants.

Ethical standards protect the confidentiality and anonymity of the participants. The ethical requirements that researchers should not share information between participants and have procedures in place to protect the data and names of participants were adhered to as the researcher.

The Social Research Guidelines (2003) states that it is 'a researcher's responsibility to protect the identities of subjects' (p 40). This research is about solicitors, some of whom may suffer due to the expression of their views about their employers and employment if exposed. Therefore, participants were advised not to openly discuss the issues raised during the interview with others to maintain their anonymities.

The qualitative research required detailed narratives of not only the experiences of participants but also their individual views and perceptions. Information so divulged may also not find favour with employers, hence the need to maintain confidentiality.

Confidentiality and anonymity of participants were maintained by keeping their identities discreet always. Research identities were allocated to each participant

instead of their actual names. In compliance with the Data Protection Act (1998), participants' demographics were processed only for this research. Their trust was gained upon the guarantee that the recorded data will be destroyed once fully transcribed to avoid the possible identification of the participants.

At every crucial stage, all the participants were informed about the freedom to participate anonymously, in line with the British Sociological Association Guidelines (2017). They were also informed that their anonymity could be waived with their consent as stated by the British Educational Research Association in the Revised Ethical Guidelines for Educational Research (2004). None of the participants accepted this offer to relinquish their anonymities. The participants were made aware of their freedom to disengage at any time without prejudice. The University of Bolton Ethics Form as shown in Appendix 5 of the thesis was used and completed by all.

The need for the honesty of approach in the research process cannot be over-emphasised. Honesty in interpretations, coding and analysis was maintained. An unbiased position is fulfilling and can assist in clearly setting out the theory as found within the data. It was necessary never to undermine the integrity of the participants nor the researcher. The study was undertaken with all sincerity, consistency, respect and thoughtfulness while maintaining the dignity of all. This encouraged the participants to feel confident, open and to express their true feelings.

3.7.1 Impact of Researcher's background, beliefs and biases on ethical issues

In carrying out this research, an effort was made to disallow the researcher's values and integrity to wane at any point despite the challenges faced during the conduct of the study.

The researcher's dual role as an insider (a solicitor) and an outsider (student) studying at an institution with rules and regulations were well maintained. It implied that personal perceptions, experiences, or opinions to influence or create a bias about the participants' experiences were controlled. The views of the researcher were successfully distinguished from the participants' views while paying particular attention

to the research context and participants' lived experiences and beliefs. Thus, the interpretations were also not clouded by the researcher's professional views.

The researcher as the research instrument in the qualitative research played the central role of choosing the research topic, participants, methodology and engaged in the analysis of the data with utmost transparency.

The researcher's belief in honesty, steadfastness and hard work implies that those who engaged in utilising their knowledge to produce or increase a firm's reputation, fiscal stance or revenue should be rewarded. Such a reward should be well-apportioned according to what each deserves. Maintenance of mutual respect and the ability to uphold the dignity of everyone manifested during the interaction with the participants.

No participant received gratification for their involvement. All participated with the aim of contributing towards a positive change in the legal profession in England.

3.8. Reflexivity during the research process

Reflexivity within a qualitative research paradigm is highly recommended (Creswell, 2014). There was consistent self-reminder that "data do not speak for themselves; there is always an interpreter or a translator" (Ratcliffe 1983, p. 1491). The researcher as interpreter did not require a translator during the process as all the data were collected using English language. A regular reflection and examination of self was undertaken to attain maximum focus on the aim and objective of the study devoid of subjectivity. As a solicitor, the researcher remained neutral about personal experiences while seeking the accounts of others (the participants) for this research.

There was continuous appraisal of the relationship between the participants and the researcher. Reflection created checks and balances and prompted 'a stay' within the research boundaries. It also facilitated a review of the validity or applicability of the questions asked. This manifested when four of the participating-senior solicitors found undertaking partner roles without formal recognition and were duly re-interviewed. The combined flexibility of the qualitative research process, legal background and the

insights gained through reflexivity encouraged the exploration into further areas that could have been missed during the research process.

Follow up interviews were arranged to clarify issues to create meanings for further interpretation. Reflexivity was a continuous process until the conclusion of the research project.

CHAPTER 4

PRESENTATION OF RESEARCH FINDINGS FROM ANALYSED DATA OF TWO SELECTED LARGE LAW FIRMS IN ENGLAND

4.0 Introduction

This chapter presents the analysed empirical data obtained through semi-structured interviews from the thirty -five participants (five partners, one Sole practitioner, an HR Director, thirteen male and thirteen female solicitors and two ex-practising solicitors). All participants except the two non-practicing solicitors were chosen from small, medium and large private law firms in England. The data were analysed using an inductive thematic analytical method. NVivo software which is a computer-based software was also used in the process.

During these semi-structured interview sessions, participants discussed their experiences, feelings, views, anxiety and hopes as part of the physical and psychological challenges involved in advancing in their careers as solicitors in private law firms. Participating partners , Sole Practitioner and HR Director also had the opportunity to explain and illuminate vital management issues and how it impacted on the promotion to partner processes. These responses were initially recorded verbatim using a cassette tape recorder called a 'Dictaphone' and transcribed into a word document using Microsoft Windows.

However, during the thematic analysis with an inductive approach, some irrelevant data were rejected. In this chapter, some of the data has been reproduced verbatim while others have been analysed and summarised where necessary. Some of the best of the frequently occurring themes were identified from the empirical data and highlighted here.

The main themes identified were 'ambition', 'work culture' and 'promotion processes'. Thus, while some data from participants have been stated verbatim, others have been

inductively analysed and paraphrased to highlight the responses of some of the participants.

- **Identity of Participants**

Due to confidentiality issues, the participants' identities were kept anonymous. However, their characteristics have been highlighted in the tables in Figures 3.1 to 3.4 in Chapter 3. Therefore, pseudonyms annotated to the various participants were utilised in the presentation of the data. For ease of reference, these are being reproduced here. Thus, FP (Female Partner), MP (Male Partner), HRD (Human Resource Director), Sole (Sole Practitioner), PFS (Participating Female Solicitor), PMS (Participating Male Solicitor), FD (Female Director) and MD (Male Director) were employed consistently to refer to the research participants. The data from the different law firms have been presented in a descending order starting with large firms, F and G, in this chapter. Data from medium-sized law firms, C, D and E, have been presented followed by those from small firms, A and B.

- **The Research Questions**

In Chapter 2 of this thesis, the following three research questions were asked:

- RQ1. What is female solicitors' conception of career success and do they really aspire to become partners in firms?
- RQ2. To what extent do small, medium and large law firms' cultures impact female solicitors' career advancement?
- RQ3. How is the promotion to partner process in small, medium and large law firms determined and implemented in England and how can it be improved?

The literature review in Chapter 2 highlighted the advantages of the "business-case" strategy that has been introduced by the Solicitors Regulation Authority and championed by the Law Society as a diversity and inclusion policy in the UK. The "business- case" strategy has improved the training and employment opportunities for many female solicitors, BAME and LGBT solicitors. However, the number of female partners continues to remain well below that of male partners across private law firms in England. Thus, the aim was to address the three research questions. Each question was formulated to assist the identification of any underlying cause of this current problem.

- Research Question 1: What is female solicitors' conception of career success and do they really aspire to become partners in firms? (RQ1).

Research Question1 was formulated to explore whether all female solicitors, on whose behalf many scholars have persistently advocated enhanced practices and policies, are interested in becoming partners or have other notions about career advancement. Hakim (2000), in her Preference theory, stated that women, owing to their heterogenous lifestyles, are not as ambitious as men who have homogenous lifestyles. She attributed the lapse in female career advancement to the choices made by the majority of women, who, she posited, are more likely to prefer home life over work life. The research questions sought to understand the extent to which female solicitors desire advancement in their careers and if they really do aspire to advance to the level of partners at all.

The data presented on RQ1 has been segmented according to the findings from participants' responses which formed the empirical qualitative data.

4.1 Ambition of Male and Female Solicitors

The partnership represents the highest level of the career ladder a solicitor can reach in a law firm. However, among partners, the difference in equity and salaried partnerships implies that some salaried partners might still seek elevation to the position of equity partners. Since this does not represent the focus of this research, partners were not interviewed about their career aspirations as they have already attained the required career position. Only participating solicitors were interviewed about this research question.

Furthermore, one of the main themes identified through the inductive thematic data analysis method was 'ambition'. Almost all participants who were solicitors discussed their ambitions. There are acknowledged challenges in the profession that are tackled through business diversity and inclusion initiatives, but if the affected parties are uninterested in the elevation process, they may not exploit the opportunities created

by these initiatives. Due to this reason, female solicitors' aspirations were explored to understand their desires for career advancement and specifically, promotions to partner positions.

4.1.2 Ambitions of Male and Female Solicitors in the selected large firms

This section presents the analysed qualitative data from large law firms F and G.

Participating senior and junior solicitors were questioned about their career goals and aspirations. The aim was to receive direct responses from them and relate their views with the facts identified in the literature. Six solicitors (PFS1, PFM2, PFS3, PMS4, PFS5, PFS6) from two large law firms in England were interviewed. Their responses were recorded verbatim and so have been reproduced verbatim when referenced, in this section.

4.1.3. Enthusiastic and ambitious but doubtful of the future

Most of the participants exhibited enthusiasm concerning their law career ambitions. Some of the participants cited the time and effort they dedicated to qualifying and enrolling as solicitors as a testament to their ambition. Majority of the young participants stated that the attainment of the position of a partner is their understanding of career success and expressed their aspirations for that position. Although some senior solicitors also expressed their ambitions, they displayed some uncertainty regarding the future.

The younger participants were more open and excited to discuss these matters. Some senior participants from ABS firms expressed concern regarding the effect of the appointments of non-solicitor investors to partner roles, which they claim would leave no vacant positions for them.

PMS2 was a white male senior-solicitor, aged between 35–40 years with six years of Post-Qualification Experience (PQE). He expressed an eagerness to become a partner someday:

"In any given career choice, goals must be underscored by one's own ambition. I see career success as attaining the peak of my profession. Yes, my short-term goal is to win a lot of cases for my clients and make my mark. My long-term goal is to be at the helm of affairs either in my law firm or with whoever keeps me. It is tasking but somehow, I have no choice but to find a way around it."

He exhibited a tremendous positive aspiration for attaining career success up to the top level.

PFS5, a young female Asian solicitor with three years PQE showed even greater optimism about her aspiration. She described the strenuous task of obtaining a legal education as well as the financial implications for her and other solicitors. She studied law after obtaining a first university degree in the social sciences and expressed her preparedness to face the "humongous challenges" in the following manner:

"Being a qualified solicitor in itself is an onerous step to take considering how much one had to pay by way of fees and the long period of studying . . . To qualify takes a lot of perseverance and patience . . . so obviously, my conception of career success is being in it and subsequently climbing up to the top. As a lawyer, my conception of success is to become an equity partner. It is a dream but my ambition to be the best I can spur me on. Law is my second degree and becoming a solicitor is one thing but raising to the top will be the icing on the cake if I can face all the humongous challenges."

However, this was not the case with PFS2, who had six years of PQE in a large ABS firm. He said:

"Of course! We all have great ambitions but when structures change and leave you feeling worthless, what do you do? With ABS, anyone with money can now become a partner. Those of us waiting through the hierarchy end up remaining stagnated."

PFS3, who is a white Dutch female senior solicitor within the age range of 35–40 years, is married with six years of PQE similar to PMS2 in large law firm 'G'. She explained that even if she entertained any aspiration to advance her career, the future seemed bleak. Her reasons were two-fold. PFS3 explained that the size of the global law firm and gendered marginalisation at the top has rendered her apathetic about her ambition:

"No, not in this global firm. Forget it. Too many people in line already and they are not even that many women. So, I don't want to raise my hopes unrealistically high."

As a female solicitor, PFS3 professed a lack of confidence in the work culture in the legal field where men are favoured more than females when it comes to promotions. PFS3 asserted that she hardly believes she can become what she aspires to be in the legal profession due to her experiences of biased gendering.

Furthermore, partnership aspirations as a future career advancement were found to be influenced by factors other than gender. A participant confirmed his career aspirations but expressed concern regarding other issues that could limit his ambition

PMS4, a young black participant explained that although he aspires to become a partner sometime in the future, it would not happen in the large law firm where he currently works. He believes that he can only aspire to become a partner in a small firm firstly, due to his ethnic background and the height of competition among the long line of eligible candidates always present within large law firms. PMS4 elaborated his feeling thus:

“If I should be honest, in a large law firm like mine and coupled with my ethnic background as a non-white, I have no ambition of becoming a partner in this firm. But my ambition is geared towards becoming one in a smaller firm in the future. There’s too much to fight for and I am not sure it will be worth it in the end.”

PMS4, who exhibited some apprehension about the size of his current large law firm, was also concerned about facing prejudice in the higher hierarchy due to his background. He expressed satisfaction with his current progress and felt fortunate for his current position for the time being.

The body languages of some of the participants signified resignation towards the inability to actualize their nurtured career ambitions. PFS1, a senior and divorced white female solicitor with eight years of PQE, was observed continually shaking her head as an expression of resignation regarding the subject. Her action was followed by a deep sigh when she was prompted to talk about her career aspirations. She stated that it was too late for her to consider career aspirations because she was already performing the duties of a partner but was yet to receive a formal designation or confirmation as one. She, therefore, did not feel the need to discuss her aspirations.

The remaining participants expressed enthusiasm regarding their ambitions but also attributed success to luck and hard work and a firm structure and culture devoid of bias.

The findings from this analysis remains that both male and female solicitors nurture ambitions and career aspirations. However, some were concerned about their future career advancement due to perceived biases and challenges inherent in their large firms.

4.2 Work Culture in the Two Selected Large Firms

In this section, the findings from the data featuring issues about the work culture of the two large firms are reported. The findings also pertain to the second research question:

RQ2. To what extent do small, medium and large law firms' cultures impact female solicitors' career advancement?

The second research question aimed to identify the attitudes and behaviours in the law firms that affect female solicitors' promotion prospects, concerning the criteria for promotion to partner positions given in Chapter 2. A law firm's culture is "the daily manifestation of its performance, expectations and behavioural norms—that is, what is encouraged and what is tolerated" (Isturiz, 2014, p. 1). It represents the firm's manner of functioning.

The central theme that emerged from the data, therefore, was a code that was given the caption "culture" because the data described the norms and accepted ways of interaction and behaviours that characterize their law firms. Several sub-themes were observed and had been presented separately to gain proper insight into common themes. Participating solicitors explained the impact of their firms' behaviours, salient policies, management style and demands in detail. The report from the participants exhibited similarities and dissimilarities between the firms examined. Some female participants narrated similar experiences and opinions regarding the hegemonic masculine gendered culture of work processes and attitudes, which, in their view,

stereotyped and marginalised them and limited their opportunities to compete favourably with their male colleagues. Some biased systems the participants explained are so embedded within the work culture that perpetrators sometimes do so unconsciously. Thus, there exist unconscious biases where gender, ethnicity and social class become the factors of exclusion.

Following Collier's (2013) suggestion, male solicitor-participants were included as a part of the sample group. The purpose was to obtain a balanced data to perform a comparative analysis and facilitate the phenomenon's understanding.

According to Jarrett-Kerr (2011), partnership directly influences a firm's structure and culture, irrespective of its size. Further, such partnership roles may also vary slightly with the firm's size. For this reason, also, five participating partners, a Sole practitioner and a Human Resource director (HRD) who constitute the primary decision-making bodies and are points of contact between the management and employees in the firms were included. They all offered accounts regarding their management styles.

There is a strong association between a firm's culture, its values, behaviour and management strategy (Hodgart, 2009). The role of the managing partner involves the firm's direct management, which includes ensuring an optimum economic performance through a strategic vision while also maintaining an efficient and effective management system (Whelan, 2008; Stark, 2007). In the light of Hodgart's notion of law firm's culture, it was considered trite to present this research question to be addressed by all participants.

The semi-structured interviews were conducted individually and separately so that the partners were not exposed to the identities of other participants from their firms. Participants were intermittently reminded of their rights to anonymity and confidentiality, which encouraged them to communicate frankly with the researcher. Some of the female solicitors revealed that they could not mention these issues elsewhere due to fear of losing their jobs or being victimised.

4.2.1 Experiences of male and female participants in the Large firms

The following sub-themes were observed in the culture of the large law firms F and G. These include mentoring, case allocations, networking opportunities/abilities, long and billable hours, gendered pay differences and a culture of silence. All four participating female solicitors (PFS1, PFS3, PFS5, PF6) complained about the prevalence of a hegemonic masculine culture in their firms, which dominated nearly every aspect of law practice in F and G. The analysed findings of these interviews have been presented under the subthemes and headings below.

4.2.2. Mentoring culture in Large firms

In every law firm, mentoring forms an essential feature of knowledge sharing and a means to enhance a practitioner's competence and prospects for career advancement. Hence, mentors are held in high esteem by the mentees.

4.2.2.1. Mentoring

Participating partners MP1 and MP2 were interviewed about mentoring policies in their respective firms. Each partner explained that the firms have policies geared towards offering equal opportunities for all practitioners. They revealed that where such mentoring obligations are not met, the onus falls on the dissatisfied practitioners to make a complaint to management.

MP2 agreed that mentoring represents a prerequisite for success as a solicitor and that a well-managed mentoring system can boost an associates' human capital and expose and improve professional competencies. He stated that existing policies ensure that adequate mentoring is provided to all without any bias. MP2 asserted that it would be difficult for management to be aware of lapses if affected solicitors fail to file reports.

“We consistently review our strategies regarding all spheres of practice including case allocations, mentoring and other opportunities. This is to avoid

bias or exclusions. Management can only be aware of any such behaviour through feedback from our solicitors.”

4.2.2.3. Inadequate mentoring opportunities for Female Participants

Some of the female solicitors reported that they often felt excluded due to the attitudes of senior male solicitors who are supposed to mentor them. All four female solicitors thought that a type of "male clique" or bond exist within their firms and leads to male favouritisms to the exclusion of females. PFS1, PF3 and PFS5 expressed this notion.

PFS5, a single young white female solicitor, with four years PQE, from the large law firm F’ illustrated her experience as follows:

"When I started my training here, I was very happy and hopeful because the competition was tough. I guess I was chosen due to my first-class university degree. And when I was retained at the end of my training, I was the happiest girl. It was very fulfilling for me, like a dream come true. We all did things together as one. But with time, I noticed a situation where it was like the "boys versus us" and that we didn't matter. I couldn't understand initially."

PFS6, an Asian female solicitor with four years of PQE, said that she had a similar experience in her male-dominated large law firm. She explained that initially, she thought the reason for her marginalization was due to her Asian ethnicity. But she later realised that it was “more of a male versus female thing”.

PFS1, a senior white female solicitor, described her shock when she realised how adeptly the male solicitors in her Mergers and Acquisitions Department "ganged" up against her. She stated that her mentor at the time preferred to take her male colleagues to crucial meetings and on overseas travels instead of her. She explained that she was often given the excuse that such trips were more suitable for the unencumbered male.

4.2.2.4. Mentoring influenced by social connections.

Another factor that was found to influence mentoring opportunities in the large law firms F and G was the impact of social connections, which creates “comradeship” among male solicitors. Participants revealed that attendance at similar higher

institutions formed the basis for strong male bonds across the two firms. PFS1 and PFS3 both indicated this aspect when explaining the mentoring culture in their firms. They revealed that male solicitors from similar social backgrounds bonded more than female solicitors. Many male solicitors in their firms shared some form of connection, as they had attended the same public schools or had friends or family members who had done so. They revealed that partners or senior solicitors prefer to engage with fellow males from their alma mater than a “stranger” they know little about.

PFS1 described her observation at work about the male bonding and the selective mentoring opportunities it leads to for male solicitors. According to PFS1:

"The culture here is something else. You must have attended a school or college to belong. You must have the connection, else you remain non-existent as far as things go. You can't complain, or your situation gets worse. It is a culture of intimidation. And the women are worse off."

PFS3, from the other large law firm ‘G’, corroborated similar behaviours about her mentor. She explained that her male mentor always preferred to work with the men at the law firm. They would discuss fundamental issues over glasses of beer at the pub or during their usual male banter sessions, which excluded her. She reported the following:

"I felt really sad at those times because it seemed like there was always a competition between the male and female solicitors. And sadly, the male partners would listen to what the men said than what I had to say. It got worse after I got married. I hardly had any serious mentoring sessions with him."

The views of PMS4, a black public school-educated male solicitor with four years PQE was different. He noted no discrimination or bias with regards to mentoring opportunities in law firm G. PMS4 confirmed that he shares a good professional rapport with his mentor and has received outstanding opportunities so far. He expressed his satisfaction with his "mates", stating that he knew some of the senior solicitors while at his college and university. He blamed the female solicitors for having strained relationships with some male mentors. He said:

"I am ok with my “mates”. Many male mentors are afraid to get close to the ladies here. Bosses are afraid for their reputations and prefer to take along guys because there’ll be no hue and cry over harassment. Women always claim harassment and that deters many male solicitors from getting close. I think that

is a big problem because when you are being mentored, there is always this closeness. You always are in contact with your mentor and work closely together. But ladies tend to misinterpret every step a man takes. Yeah!! I think that's the problem."

The data obtained from PFS1 regarding the culture in large law firms which was presented earlier in this chapter, indicates the existence of a culture of silence among participating solicitors. The solicitors seem to remain silent in the face of biases and other challenges.

PFS1 in explaining this culture in her large firm, stated,

"The culture here is something else. You must have attended a school or college to belong. You must have the connection, else you remain non-existent as far as things go. You can't complain, or your situation gets worse. It's a culture of intimidation. And the women are worse off."

The finding confirmed that social connections affect mentoring opportunities in large firms and such social connections are found to exist mostly among male solicitors.

An example of a beneficiary of this trend is PMS 4 who found his mentoring opportunities worthwhile. His relationship with his fellow male colleagues from public schools overshadowed any possible bias due to his ethnic background. Secondly, female solicitors in large law firms do not gain adequate mentoring opportunities necessary for growth.

Ashley and Epsom (2013) conducted a study regarding the impact of social class within five elite large law firms in London and revealed that social connections play a role in career advancements. Sommerlad and Sanderson (1998) had also observed similar trends within the legal profession in the UK almost two decades ago.

The explanation of MP1 when interviewed about the existence of such biases indicated that the management might be unaware of these practices. According to MP1, the affected solicitors are solely responsible for informing the management about their experiences. MP2 expressed a similar lack of knowledge about the biased impact of social connections among practitioners.

However, the explanations offered by the two partners (MP1 & MP2) were challenged by the participating solicitors in their responses to other forms of work behaviours. The data from the female solicitors revealed that the culture of silence is prevalent among

practitioners. They claimed that the resort to silence is due to the fear of being victimised. They revealed that the option has been to remain apathetic to their situation.

4.2.3. Case allocation culture in Large firms

This theme encapsulates each of the participants' concerns about the case allocation culture within their respective large firms.

In the literature review, the importance of good casework was considered as a criterion for promotion to the level of a partner in firms. Its impact on a solicitors' career advancement within the hierarchy and particularly for promotion opportunities to the position of partner were discussed (Rose, 1999). Previous researches indicated conscious and unconscious biases in case allocations and support within law firms (Ward, Winterfeldt & Moran, 2012). Casework allocation emerged from the analysed data as a sub-theme in the culture of firms because many of the participants mentioned this factor during the semi-structured interview sessions held with them.

Some junior solicitors reported bias in case allocations, while senior solicitors and partners thought case allocation was based on the competence and availability of solicitors. Participants recounted the role of conscious and unconscious biases within their law firms that affect case allocations also.

PFS5 and PFS6 were unhappy with the case allocation model and felt they were not given equal opportunities as much as their male colleagues were being given. PFS5 and PFS6 complained that the management underestimated their abilities by not allocating challenging cases to them. The effect of the lack of a challenging case is that they have been unable to showcase how competent they are.

The three senior solicitors (PFS1, PMS2 and PFS3) responsible for such allocations, did not believe case allocations were biased. PFS1, PMS2 and PFS3 expressed satisfaction with case allocation and case working systems in their respective firms. PFS1 explained that she allocates cases to her subordinates equally, but more importantly, such allocations are based on experience, competence and availability.

PFS6's description offers a picture of what other females also narrated. PFS6 stated,

“I do wonder at times if I attended a different law school populated by brainless girls. I do not see anything different between my male colleagues and I that will instigate them to think that I can’t take up a case. A case is a case!! It provides an opportunity to show what you’ve got. But unfortunately, the men are allocated such cases first. But when you try to win a very big one, then you are bombarded with offers. But try us first.”

PFS5 further added that she is often allocated administrative work, which makes her sad and demotivated. She attributed this to unconscious bias also as she believes that the managing partner does not always deliberately set out to prevent her from handling cases. She said she believes the general notion about women often makes him consider the male practitioners first.

- **Justification of the case allocation system**

PMS2, who is a senior male solicitor from large law firm ‘G’ admitted that he allocates more cases to male solicitors because they are always available and ready to perform without giving excuses. He asserted that female subordinates do not always have the time and dedication required to complete a serious case. PMS2 explained that the time difference in dealing with international clients spurs him to allocate more cases to male subordinates. According to him,

“It is about priority. Priority of our clients, of getting the job done at the right time without excuses.”

MP1 and MP2 also did not think a culture of deliberate and biased case allocation model existed in their law firms. They individually offered explanations regarding the allocation culture and insisted that it focuses on availability, competence and external clients’ demands rather than gender-based bias.

MP2 from the large law firm G expounded on a centralised system of case allocation in his firm. He explained that he installed a centralized case allocation system to reduce incidences of bias and pressure on some solicitors. According to him, he introduced a voluntary case working model that offers solicitors the opportunity to work as they wish to, without much pressure, even though checks and balances with regards to expertise still operated. MP2 stated:

“Here, we have a centralized system whereby we send messages out about a new case and interested associates express their interest. However, there are some that require more experience and tact so in such a situation, I use my initiative.”

MP1 and MP2 also explained that client demands can influence case allocations and thus should not be perceived as prejudice. They explained that sometimes, international clients prefer to deal with specific solicitors they are familiar with. In such cases, it may be difficult to not allow those solicitors to handle the case. MP2 reiterated that the interest of clients remains paramount to safeguard and maintain long-standing client relationships.

MP2 explained the following:

“We deal with international clients a lot. Sometimes they want Mr A because they already know him and his expertise or competence. It will be very difficult to do otherwise against the client’s wish.”

MP1 extended a more robust narrative regarding the impact of external client demands on case allocations in his firm. He said:

“Some clients from certain countries do prefer male associates to deal with them. In that instance, there’s nothing anyone can do. A lot of from some geographical areas prefer to be allocated a male associate to handle their portfolios. While others prefer females only. And the client’s demands are very vital to the success of our firm. There are others who have no priority in who handles their portfolios. At that point, it becomes about performance. We have no choice but to listen to them.”

The impact of client demand was confirmed by former senior female solicitor, EX-PFS27, who has opted out of active law practice. She explained that working in a large international firm made her feel unworthy at times and affected her psychologically. She disclosed that some of the firms’ clients from Asian and Arab countries who generated a large source of revenue always rejected her in preference for a male colleague. When she insisted on taking such instructions, she was often paired with another male who eventually took over such cases or ‘portfolios’ completely.

EX-PFS27 said she was overwhelmed and saddened by the demand for male solicitors by those international clients because the firm could not challenge the discriminatory preferences of their international clients due to the high revenue yield from their retainers. Ex-PFS27 recalled that

“It was a difficult situation really. My client whose portfolio I was handling may demand that I jet down to Qatar the next day by 2 pm. But I have a 5years old I’ve dropped off in school. It was unthinkable what scale of demands we experience.”

Her explanation also threw further light on the impact of external clients’ demands on international law firms.

4.2.1.3 Networking culture in large firms ‘F’ and ‘G’

In Chapter 2, the criteria for promotion in most law firms were discussed which included a need to socialise/network (Rose, 1999). Networking duties constitute non-billable hours and thus may not immediately translate into financial gains. But if well exploited, they can create good business opportunities and create sources of revenue. Professional networking aims to establish or maintain good client relations to secure good business development opportunities, while also promoting the firm's image (Blakemore, 2011; The Law Society Gazette, 2016).

Some law firms may value social connections more than legal ability (Barnes, 2011), while others would not. To understand how the culture of networking affects female solicitors in large law firms, participants were asked to discuss their experiences.

In this section, the findings are presented regarding the existing networking culture from law firms F and G.

- **Senior solicitors believe networking is vital**

Senior solicitors, PFS1, PMS2 and PFS2 assented to the view that networking is essential due to the benefits associated with it, but could also become a problem, especially when it becomes regular without producing expected results.

PFS1, a mother of two teenage children reported that those who work part-time are least likely to engage in networking due to other engagements which includes child-care. She explained that initially, at the beginning of her career and in her child bearing years, she found networking very difficult but with present better child care arrangements, she has been able to fulfil her work demands. Therefore, she now engages in networking even though it can become overwhelming at times.

PFS1 explained that she always encourages her mentees to take networking seriously, especially those from BAME communities who find it difficult to network.

PMS2, from firm “G”, also emphasised the importance of networking in a large global firm. He indicated that networking involves more and is not limited to merely visiting a club or pub with colleagues. He stated,

“I do participate as often as I can and when necessary. Networking has been misconstrued by many female colleagues. They believe it’s about going to the pub with work colleagues only. It is beyond that. With electronic media, networking can be done from one’s home. It doesn’t have to be at a gathering after work. This notion puts off many female solicitors and they unfortunately alienate themselves from otherwise beneficial activities. Part-time working shouldn’t be a bar or discourage female associates from getting involved.”

The remaining solicitors reported enjoying office networking activities. PMS4, PFS5 and PFS6 are all single and below 35 years of age.

PMS4 and PFS5 stated that they were comfortable with their firms’ networking policy and considered it a means of escaping the long working hours. However, PFS6 did not share their notion of enjoyment. To her, networking is a waste of time and energy. She viewed networking as a form of gathering where alcohol is usually consumed after a long day of work. She opined that the firm should encourage other forms of networking to raise more interest.

Partner MP1 summarised his firm’s networking policy as follows:

“Networking is vital for sustenance of retainers and procuring new clients. We encourage associates to engage in business networking. However, attitudes to such engagement can affect an associate’s progress. This is mainly the responsibility of mentors within the firm. They know which of the associates can perform best in each sphere of practice.”

Law firm ‘F’ specialises in matters of clinical negligence, corporate/commercial, crime, dispute resolution, employment, family, immigration, real estate, regulatory law, as well as private clients. Networking activities are needed. Private client work requires a good firm reputation and engagement in charitable activities that can improve the reputation of such firms.

It was concluded that young participants in large law firms enjoy networking and prefer it to spending long hours in the office.

There is a limitation here on the basis that all the participants in this sample group were full-time practitioners. Therefore, the impact of professional networking on part-time workers was not explored.

4.2.1.4 Long hours and billable hours culture in large firms F and G and the impact on work-life balance and well-being

- **Long hours and impact on work-life balance and well-being**

Long hours and a high billings culture were subjects of interest within the literature on gender equality in the legal profession. Both senior and junior participants related experiencing extreme pressure and resultant anxiety and stress due to long hours. Some participants stated that they felt guilty about missing out on family and social responsibilities while working long hours. The findings showed a polarised impression. While some solicitors found it cumbersome, others preferred in place of frequent travels.

- **Long hours save travelling time across different locations**

Senior participants PFS1, PMS2 and PFS3 acknowledged the prevalence of long working hours and expressed its impact on their social and family lives. They all thought that it constituted an unavoidable practise because it saved time and reduces the risks involved in travelling around the globe to meet clients.

This view was shared by the partners who acknowledged the prevalence of long hour working culture. They proffered reason for such long hours. The Partners claimed that working long hours forms a requirement in international law firms and presents a solution to differences in international time zones.

MP1 and MP2 emphasised that practitioners in large firms are paid more due to these constraints. Both partners stated that high wages are expected to compensate for the long working hours and the inconveniences caused by them.

MP1 also explained that the apportionment of clerical litigation work to junior solicitors is a means by which requisite knowledge is imparted to them. he pointed out that smart associates can learn considerably through such tasks and secure an advantage over their colleagues when they begin actual legal work.

- **Long hours prevent adequate enjoyment of family life**

PMS2, a married senior solicitor in the law firm 'G' complained that he feels guilty because he missed out on his son's growth due to his constant absence from home. He said,

"It's a very serious issue. I sometimes weep in my private moments because I've left my wife to cater for the upbringing of our son. I've missed out on a greater part of my son's growth. And it breaks my heart. But we need the money... the big house, big car and all!! They have to be paid for. But I doubt if anything can compensate the loss I feel at not playing a role in my son's upbringing. It's also better than travelling long distances to meet international clients. With technology, all you do is wait for them to wake up for a face time discussions and work (laughter then a sigh)."

- **Long hours lead to marital problems**

PFS1 revealed that the long hours' culture in her firm partly contributed to the failure of her marriage. She explained that the fatigue and stress from work affected her behaviour at home. PFS1 was always extremely agitated and thus changed from a loving to an agitated, fatigued and mentally-drained wife, perceived, unfortunately, as being uninterested in her children and spouse.

PFS3, a Dutch national, stated that it affects her relationship with her partner, because she finds it difficult to keep appointments or enjoy social life outside the office. She stated

"At the end of the day, I'm so tired, that all I want is to sleep off on the settee while he wants some 'couple time'. Many times, I miss our planned dates because I'm still at work. It is so hard for me. I can't even travel home to see my parents as often as I want. I was warned anyway about the hazards of being in an international corporate law firm. But is much worse than I thought ...(sighs)."

- **Long hours cause anxiety, stress and a state of poor well-being among junior solicitors**

All participating junior solicitors, PFS4, PFS5 and PFS6, expressed similar complaints regarding long working hours. They described it as the most challenging aspect of their law practice.

Junior solicitors from "F" and "G" firms complained about being assigned non-legal tasks (sorting, photocopying and preparation of vast bundles of documents). They complained about unbillable work requiring urgent completion at odd hours, forcing them to spend more extended hours. They expressed a preference for actual legal work compared to administrative and clerical work which keeps them back in the office to unsociable hours.

The three junior participants, PMS4, PFS5 and PFS6, stated that long working hours exerted excessive pressure on them and caused anxiety and stress. All of them confessed that although they knew about the prevalence of this culture in large law firms, they do suffer fatigue, anxiety and sometimes extremely poor well-being. None of them mentioned seeking help for the poor state of well-being they claimed to experience.

PMS4 stated the following:

"I drown my tiredness in alcohol. At the end of the day, all I do is drink vodka and knock myself 'out', so I can get a little sleep for a few hours. But I know too much alcohol is bad for me, but it's the only way I can forget about what happened and what is to happen next day. I was warned but didn't know how serious work here would be. But I feel privileged to be here so, yeah, I get on with it. As simple as that."

- **Lack of family and spousal support creates more anxiety over long work hours culture**

Some married participants stated that patriarchal tendencies inherent in families create problems for married women and dissuade them from assuming challenges like their male counterparts. Male partners they revealed are not supportive enough in sharing domestic duties which sometimes hinder female practitioners from being available for full-time work.

- **Work during long hours provides a source of knowledge**

PFS6 stated that she learned more from preparing legal appeal bundles than from her mentor. She explained that since junior solicitors were hardly allocated casework of a higher level, she engaged herself and improved her legal knowledge by perusing and filing briefs. In the process, she gets acquainted with legal principles and arguments prepared by senior solicitors. PFS6 reiterated that she resolves to learn on the given non-billable jobs partly made up for the lack of adequate mentoring. However, PMS4 and PMS5 stated that law clerks and not solicitors should undertake such non-billable work.

- **Partners also experience a poor state of well-being due to high volume work pressure and long hours**

Regarding the issue of well-being among practitioners, both partners (MP1 & MP2) of the two large firms confessed that they felt pressurised to deliver best quality service and generate revenue. They are also always concerned about the performances of their subordinates which reflects on their management styles.

MP1 stated:

“I get very pressured about work and suffer from work-related stress. This has been on going and I am on medication for a raised blood pressure. I can’t tell if my work triggered it. We are in a highly competitive business environment, so we work much harder. As a partner, the anxiety is more because you want to prove your worth. These are personal issues which you need not disclose. It’s my personal problem so I deal with it as much as I can.”

Previous research has demonstrated that solicitors in large law firms engage in long working hours, sometimes leading to a poor state of well-being, with stress, anxiety and fatigue (Collier, 2014, 2016). A male participant stated his experiences and revealed how he concealed his poor state of well-being. Collier’s finding was corroborated by my investigation. His finding that male solicitors also suffer from such work-related poor well-being was identified in the two large firms investigated here.

- **Some female solicitors solve the problem of childcare with adequate child care arrangements**

Findings pointed to the fact that female solicitors do face issues with long hours, but those with children find it more challenging. Adequate childcare facilities reduce such challenges and enable them to meet their work demands.

PFS1, a divorced mother of two teenage children reported that her work challenges were solved once she made adequate child care arrangements.

- **Lack of family/spousal support also negatively affects long hours**

Some of the married participants complained about the lack of family support, which becomes a burden to their work culture. It was reported that male spouses did not assume as much responsibility as female spouses in catering for the home. While married male participants stated that their wives' support enabled them to face the long hours' culture, married participants did not report receiving such support.

- **Billable hours and impact on work-life balance and well being**

Billable hours have often been synonymously linked to long working hours. But within the legal profession, long hours and billable hours are deemed very distinct even though most practitioners scarcely differentiate them. For this reason, data was obtained separately on long and billable hours.

The demand for high billable hours by large firms was found to be an issue for participating solicitors. In the semi-structured interviews, participants were asked about their views on billable hours and its impact on work-life balance. The findings are presented below:

- **Billable hours being more valuable than long hours and can affect the well-being of both partners and associates**

Partners, MP1 and MP2, expressed that it was a substantial factor in displaying both competence and the ability to generate revenue. They both asserted that it allows practitioners opportunities for career advancement and is increasingly required of them as partners. They explained that it is also a strong requirement for those wishing to attain that position as well as associates aiming for promotions within the hierarchy.

The two partners disclosed that meeting their billing hour targets exerted more pressure on them than long hours.

MP2, a salaried partner of ABS firm G, revealed that his goal of becoming an equity partner before retirement had inspired him to work extremely hard and to be a "rainmaker". "Rainmaking" describes high revenue yielding ability in law firms.

MP2 disclosed that he is aware of the pressure imposed on other subordinates because he feels the same but does not show its effect on his well-being as it may be perceived as a weakness. He said he achieves a good revenue yielding record through severe networking and from the connections established with friends and colleagues and internationally.

Participating solicitors were questioned about billable hours. All the solicitors disclosed the challenges and pressures posed by billable hours that sometimes become stressful. PMS2 revealed that

"Every law firm expects the generation of revenue from their employees especially aspiring partners in the face of international and global competition becoming so high. The US poses a serious competitive threat to law firms and this will be made worse by Brexit. All our European allies will switch to better offers. So yes, this is a source of pressure on me as a financial corporate lawyer. Also, it puts more pressure on me to perform. I believe time will tell how much pressure we are made to go through. And let me tell you something . . . the pressure is more on the men. Women have not been put through this much as they are viewed too fragile for the high competitiveness. But if you want to go high, you have to perform. We feel the pressure too."

The explanation of PMS2 above seems to express the perception of most of the participating solicitors regarding billable hours.

PFS1 reasoned that the management is influenced by stereotyped gender roles because despite working hard to meet her billable hour expectations, her efforts are hardly acknowledged. PFS1 reported being marked off as incapable of generating adequate revenue and despite her perseverance, her effort remains unrecognized. PFS1 stated:

"Sometimes I clock up to 50 to 60hrs weekly. That is at least 2600 hours annually . . . Some partners don't get as much and what do I get in return? Nothing."

She lamented that the role of fund generation has been consistently considered a masculine responsibility, to the extent that when women work like she does, they are overlooked. Her assertion can be found in the PMS2's response given earlier as presented below:

“And let me tell you something . . . the pressure is more on the men. Women have not been put through this much as they are viewed too fragile for the high competitiveness.”

PSF1 opined that as a senior female solicitor, her performance is undervalued. She stated that she does not receive similar recognition as her male colleagues in her firm. She attributed it to her current situation in an acting role, which she performs without being confirmed as a salaried partner. Her assertion corroborates the view that women's abilities are negatively perceived and not given adequate consideration for career advancement opportunities.

All other participants (PFS4, PFS5 and PFS6) expressed similar pressure caused by the demand for high billable hours in their firms. They explained that besides receiving insufficient case allocation opportunities and non-billable tasks by their seniors, they still require to generate impressive billable hours. PMS4 confirmed that he attempts to meet his target by working extra hard, despite the added pressure. According to him, “. . . all these make me drink to cool my nerves”.

PFS5 expressed concern with the billable hours culture. PFS5 professed,

“At my work place, I am expected to make £6000 a month in revenue or 1,600 hours per year. But how and where do I make that? The boys go to the pub with their favourite female friends. I spend quite a lot of time herein the office doing non-billable work. So, how could I? Case allocation is based on who mentors you. So, you see, these are the concerns I have as a female lawyer. The brick-wall is a bit daunting to pull down.”

PFS6 had previously expressed a dislike for after-office networking and thought that she could spend her time more productively. She stated that billable hours are quite challenging for her as a female lawyer and the expectation also affects her well-being.

Billable hours put pressure on male and female participants and affect their well-being as well. MP2 confirmed suffering fatigue and stress but remained silent about it. With this, I inferred that he has not sought the requisite help. This problem does not affect women solicitors alone.

4.2.1.5 Culture of Gendered Pay differentials

This section highlights the findings regarding gendered pay differentials.

- **Male solicitors are paid more than their female colleagues**

This section explored participants' grievances and feelings of demotivation due to gendered pay differences in their respective firms. Women's pay has been consistently lesser than men's (Dinovitzer, Reichman & Sterling, 2009; Webley & Duff, 2007). This was again confirmed in this research.

2009). All female participants from law firms 'F' and 'G' expressed their disappointment regarding the culture of unequal pay. They revealed that male solicitors were offered higher wages to perform similar work. Many of the female solicitors said they were initially unaware about the pay differentials, but when they eventually became aware, they chose not to challenge it due to fear of being victimised and a possible loss of employment.

PFS1 stated that she only realised she was being paid less when she experienced some issues with her income tax payments and sought the assistance of her male colleague. He revealed his wages while trying to assist her with her tax calculations. She complained that it was extremely demotivating for her.

PFS1 stated

"Equal opportunity? There's nothing equal here about the opportunities, not even the wages. You get lucky to be retained but then it hits you hard when you realize that your sex automatically condemns you as a non-starter. You get paid less, you get promoted less. It seems that being born a woman implies that you aren't the one to do it. Go bear kids!! Men are so put right up above us that I often wonder if we exist too. I feel sometimes that nothing can change the world view about women. It will be a difficult job for anyone to turn around this perception."

PSF3 pointed that until the Equal Opportunities Act 2010 permits sanctions, compliance with its provisions will be very minimal.

PMS2 and PMS4 attempted to justify the existence of wage differences. They said that male solicitors put in more time and undertake a more significant workload. They both emphasized that male solicitors do not take time off as much as women, male

solicitors meet all the firm's ad-hoc demands and are always ready and willing to perform, even at the expense of their family lives. Therefore, the pay differential is justified.

PMS2 revealed,

"Errrm, Equal Opportunities? Well, Yes and No!! . . . Equal opportunities might not be too good for business. Most women prefer to go straight home after work. We get on with it. Male associates can compromise family times for business. But to tell you the truth women whine a lot. So, bosses don't bother with them. But I don't think that is discrimination. It's about getting work done."

Participating partners from firm 'F' and 'G' did not provide a tangible reason different from what PMS2 stated. Both suggested such practices as being possible incentives for those who work harder than usual. MP1 preferred not to discuss it in detail, while MP2 referred me to a senior partner, who could not be contacted.

4.2.1.6 Culture of silence among solicitors

Another finding from the inductive, data -focused thematic analysis was the existence of a culture of silence among solicitors in large law firms.

- **Majority of participants maintain a culture of silence**

Although participants freely expressed their feelings, experiences and expectations, it was noticed that despite all their deep-seated concerns, none of them mentioned complaining about their experiences to the management of their respective firms. Their concerns about biased and unfair case allocations, being overburdened with clerical work at last minute, unequal pay and other forms of workplace harassments were not disclosed to those in charge.

Two of the participating female solicitors said that they did not complain about sexual harassment due to fear victimisation and a lack of action within their law firms.

In the UK, sexual harassment is prohibited under Section 26 of the Equality Act 2010. Characteristics of sexual harassment include unnecessary touching, jokes of a sexual nature, inappropriate usage of suggestive visual display, unit material, intimidating

behaviour such as asking for sexual favours in return for positive work assessment or promotion, among others (Hersch, 2011).

Hersch further asserted that sexual harassment "is widely viewed as an instrument of power and intimidation rather than a primary expression of sexual desire and such harassing behaviour may cause victims as well as their co-workers to be less productive" (2011: p. 630). The findings indicate the existence of harassment in large firms which have not been appropriately addressed by the management due to the silence of victims.

PFS3 and PFS5 revealed that they suffered harassment from senior male associates in their firms but remained quiet about it because they believe that their complaints will not have much impact on the prevalent culture. PFS5 offered a reason for not filing a complaint:

"Sexual harassment is something I hate to talk about. The truth is, no one believes it has occurred. No one is going to take you seriously. All you get is more segregation. If you make any noise, you end up losing out."

The fear of victimisation and losing their jobs played critical roles in their decisions to remain silent. PFS3 related her experience and asserted that her previous mentor always verbally harassed her by making comments about her body. She did not react because she was afraid of disrupting her career and when she eventually politely expressed her disapproval about his comments, he apologised. She said that was enough for her. Her career was important to her.

Another reason for the culture of silence was explained by ExPFS27:

"If I get harassed, how do I prove it if there is no camera to record it? Most of us female associates can't prove it even though it happens. We get by and get on with it. In my last practice, one of the senior partners consistently harassed me. Often pinching my bottom at every opportunity. When I confronted him and threatened to make a complaint, he sought revenge by giving me a portfolio to be handled in Dubai, I did not want to go and so that laid the foundation for my being tagged an "insubordinate" woman. I eventually left the firm."

The above response by Ex-PF27 was one of the reasons why she was contacted. Her case was cited as an example during the interview and was advised to contact her for corroboration of the claim. This corroborates Ashley's (2010) observation that the harassed female solicitors often failed to speak up.

4.3 Promotion Processes in the Two Selected Large Firms ‘F’ and ‘G’

This section presents the findings on the promotion processes within the two large firms in the sample. As done previously, the findings have emerged by way of recurrent themes from the data. While some of the analysed empirical data have been summarised and presented in this chapter, others have been reproduced verbatim as obtained from participants. Those presented verbatim are for emphasis and represent responses to that theme or subthemes that have been found recurrent within the empirical data.

4.3.1 Findings from data concerning the promotion processes: Perspectives of Partners in large law firms ‘F’ and ‘G’

At the beginning of this chapter, the three research questions were reproduced to enable the reader to be re-acquaint with them. Some of the findings from the empirical data which provided answers to the first and second research questions concerning large firms have been presented in the preceding sections. The findings which provided answers to the third research question are now being presented here. For ease of reference, the third research question has also been reproduced below:

RQ3. How is the promotion to partner process in small, medium and large law firms determined and implemented in England and how can it be improved?

One of the major themes that emerged from the semi-structured interviews with participating partners, Sole Practitioner, HR Director and solicitors was about the promotion process in their respective law firms.

- **Promotion process are fair and unbiased: Perspective of Partners in large firms ‘F’ and ‘G’**

Participating Partners MP1 and MP2 from firms ‘F’ and ‘G’ respectively, declared that the promotion process is transparent and fair. Both reported that they do not equate equal opportunity with gender balance during promotions but base such promotions it strictly on merit.

MP2 from law firm ‘G’ said:

“Qualities considered are professional competence and dedication, personal skills that show resilience and transparency, good business strategy in the given practice area or strategic business case development. Most importantly, the ability to generate business and client relations for the firm. Good business focus means high revenue.”

One of the most important criteria for promotion, as reported by MP1 and MP2, was business development. Secondly, it was found that the use of personal initiative in times of challenges which subsequently create growth opportunities and excellence was considered an essential factor for promotion in large firms. MP1's response describes some of the crucial qualities partners consider in this process. MP1 explained

“A partner is a leader and a builder of the firm's business and goals. So, what we look for are those with astute business sense and strategy. A focus that can yield something where and when necessary. The world itself is highly competitive so a dynamic individual with competence and professional skills. We thrive on clients and so the ability to build strong client base with little support is a big asset..... Individuals who can work on their own and generate a strong business case.”

- **Difference in the appointment of partners in traditional and ABS firms**

There is a difference in appointment and promotion of partners among large firms in England. Firm 'F' without an alternative business structure begins the selection of partners early in the solicitors' careers. MP1 disclosed that:

“Selection of who becomes a partner depends on the qualities stated earlier. In this firm, the prospective partners are often identified by the third or fourth year or by recommendation from their mentors/partners. So, a good career history is important before the discussion starts.”

This implies that performance of solicitors becomes a point of consideration much earlier. However, in a large ABS law firm, equity partners can be appointed at any time, while non-equity partners can still be promoted through the hierarchy.

- **Impact of area of specialisation on promotion prospects**

The area of practice and specialisation were found to significantly effect prospects of promotion. MP1 adduced reasons why some areas ascribe more significant advantage

to an aspiring associate for promotion. MP1 disclosed that most female solicitors "shy away" from such challenging areas of law practice. MP1 explained,

"Yes! The area of practice may affect career advancement prospects. As a large commercial firm, working in a non-commercial area will fail to push you out to the forefront. It's about good business acumen, a business case of growth, client retention and of course the ability to widen the firm's business scope. You cannot compare an associate who practices in children's welfare with one who undertakes corporate law. The practice area impacts on it. And most women shy away from the challenging areas. That is the truth."

- **Choice of area of specialization is voluntary**

MP2 clarified that areas of specialisation are not imposed on associates. He agreed that the choices made by solicitors can influence their frequency of career advancement. He said everyone in the firm has the freedom to select their areas of specialisation during training. Certain vital areas generate more revenue and meet firms' business and financial goals. Those who opt for such areas position themselves for recognition and so can benefit from promotions more than others. MP2 uttered that many female solicitors prefer non-challenging areas and fail to demonstrate an impressive performance to be recognised. The narrative of MP2 was similar to the statement by MP1 and corroborated the utterances of MP1.

- **Positive and negative impact of flexible working hours on promotion prospects**

A considerable body of literature has indicated flexible/part-time work as an impeding factor in female solicitors' advancement. In this research, the empirical data indicated that this depends on the policy of the firm.

MP1 explained that flexible work does not hamper promotions, but the quality of work and revenue yielded remain determining factors. However, MP2, from global law firm 'G', revealed that part-time work affects global business and can thus affect promotion considerations.

MP2 said:

"Most women go on part-time after the end of the maternity leave period. This however may affect productivity in a way if the associate does not try hard enough to show some resilience. Law firms are not civil service organizations

where a salary is guaranteed monthly. In this firm, we generate the wages and so expect our future leaders to engage in revenue generation through good case working abilities. Any aspiring associate should appreciate the need for personal contribution towards the growth of the firm.”

Both MP1 and MP2 revealed that long hours are not the only prerequisite for consideration for promotion. Billed hours and skilled legal knowledge are more important. Long hours were found to be a source of frustration for many participating solicitors in this research. However, the finding here shows that the quality of work or business generated are what matter most instead of the length of hours. Therefore, the number of hours spent in the office do not always signify commitment nor influence promotion significantly.

- **Proactive networking ability positively impacts promotion**

The empirical data indicates that while networking is essential, those initiated by solicitors are more valued. MP1 and MP2 condemned solicitors who expect the firm to assist them in such networking opportunities. MP1 explained that becoming a partner is a vital part of business and so:

“Networking is a vital part of business development. The ability to network matters a lot at that stage. As a potential partner, a senior associate is expected to prove the firm that he or she can develop the firm through self-effort. No one is taken to the shore to drink water. Since they are told of the importance, most may not take it seriously. There is high competitiveness in global business. So being able to develop more business is a highly commendable attribute.”

MP2’s view was echoed in MP1’s statement. Some of the participating solicitors decried the lack of mentoring support and their inability to engage in their firms’ organised networking activities earlier. They also complained about the casework allocation system, which could have assisted them in proving their competence for promotions.

Partners, however, expressed different competitive qualities that enhance promotions opportunities. MP1 explained that an aspiring solicitor requires to be proactive in networking and case generation if they want to become a partner eventually, as these will constitute vital responsibilities:

“Positive networking is a virtue and only the smartest of them all will take advantage of it. You can’t sit and wait to have cases brought to you if you aspire to lead in any capacity within the firm. You don’t have to engage in out-of-hours networking to be proactive. Technology can help. Social activities are a

must-do for a partner or potential partner. Equal opportunities don't always get you where you want. You need to create it and show it."

MP1 also expressed the importance of technology in enhancing a solicitor's career prospects. He stated that there is no excuse for an aspiring leader to shy away from proactive activities during and beyond office hours.

- **Female solicitors require initiatives/proactivity to excel**

The two partners indicated that many women find it challenging to fulfil some of the criteria for promotion as they lack the initiative required to excel. The two partners explained that reliance on management is not always beneficial. They emphasized on the need for aspirants to exhibit innovative ideas which the firms consider to be useful professional attributes. MP1 and MP2 both reported that their male solicitors commit more time and exhibit more personal and professional initiatives than female practitioners.

The response of PMS1, a senior male solicitor during the interview confirms the assertions by MP1 and MP2 that self-induced initiatives rank high within the legal profession. PMS1 specifically narrated the following:

"A partner is a leader and a builder of the firm's business and goals. So, what we look for are those with astute business sense and strategy. A focus that can yield something where and when necessary. The world itself is highly competitive so a dynamic individual with competence and professional skills. We thrive on clients and so the ability to build strong client base with little support is a big asset. Individuals who can work on their own and generate a strong business case. In a global firm, meeting client's demands and targets will be a plus."

These were the findings as analysed and presented from the empirical data from the semi-structured interviews with two partners from large firms 'F' and 'G'. In the following chapter, the findings from the participating solicitors about the recurrent theme of promotion are presented.

4.3.2 The Promotion Process: Perspective of Participating solicitors

As stated earlier, promotion within firms also featured prominently in the thematic analysis of the data obtained from participating solicitors. The semi-structured interviews assisted the research process by shedding further light on the promotion process and the way in which solicitors perceive promotion requirements. Factors found to underpin promotion within large law firms 'F' and 'G' were fear, uncertainty, attritions and misconceptions among others.

- **Biased Promotion Processes: Perspectives of participating solicitors**

Out of six solicitors from large firms 'F' and 'G' who participated in the study, four (PFS1, PFS3, PFS5 and PFS6) considered the promotion processes within their firms as being unfair to them. They all expressed the notion that their career prospects within the firms were limited due to biased policies and the lack of support systems from their mentors and management.

PFS5 and PFS6 expressed some disappointment with the process and blamed issues such as a lack of networking opportunities, poor case work allocation system and long working hours as factors that affect their career setbacks.

PFS1 narrated how she has been treated and maintained that she was being marginalised due to her gender. She summarised it as follows:

"I am saddled with the portfolio that any managing partner can boast of. Direction and strategic Planning and implementation of policies, mentor's junior associates, maintains own case load in Family law and child care . . . Virtually doing all I can to sustain the department and firm too. Yes, I believe I've worked hard enough. But judging from my experience, I'll rather remain quiet and just do what I can till I'm tired, then I'll simply retire. As a divorcee with baggage, I no longer deserve dramas in my life."

She serves in an acting capacity and undertakes responsibilities akin to that of a partner without formal designation. Another participant expressed a different experience regarding women's marginalisation in his firm.

PMS2, a senior solicitor with firm 'G', revealed a different treatment of female solicitors in his firm. He stated that female solicitors are usually treated better and that the barriers against women are often over-emphasised. PMS2 expressed pride for his firm's promotion culture, because according to him, his firm has an impressive number

of female partners. Law firm 'G' has 36 male and 16 female partners which is over and above the usual statistics found within law firms in England.

- **Ethnicity impacts on promotion prospects**

While four of the female solicitors expressed their concerns over their promotion prospects, PMS4 a male solicitor disclosed another reason for his fear of marginalisation, his black ethnicity. Even though his attendance at a public school helped him socialise well and build good relationships within the firm, he expressed doubts concerning his promotion to partner prospects in the future.

According to PMS4:

“I feel somehow marginalized as an ethnic minority associate. We don't just get near it, do we? Most of my mates believe getting a job here is a blessing so aspiring to be a partner is like a cripple seeking to climb Mount Everest. Yes! That's the way it is.”

The issue of ethnic-based marginalisation featured greatly in the literature as reviewed and presented in Chapter 2 of this thesis. Several scholars identified ethnic-based biases in the legal practice. Although PMS4 was yet to experience it personally, he believes that he will be affected by such marginalisation eventually.

- **Misconception/lack of explicit knowledge about the promotion process**

From the qualitative empirical data obtained and analysed, were sub-themes that were regularly referred to and so identified as relevant in the research. Under the theme of promotion in large firms, most of the data pointed to a sub-theme which was more of a common phenomenon among some participants. The analysed data showed that there were misconceptions and a lack of understanding regarding the actual promotion criteria relied upon by partners in the promotion process.

When participants were interviewed about the promotion criteria they believed could assist them in securing promotions within their firms, some participants could not explicitly state what the requirements were. Question 13 in Appendix 2 of this thesis has been reproduced here for ease of reference:

(Q13: Are you aware of the existence of any promotion criteria of your firm? What in your opinion are they and what is expected of you to be able to get considered for promotion?)

During the interview, PFS5 stated this in response to a question 13

“Not quite. I can only figure out that you will need to bring in “loads” of dosh as revenue and handle sensational cases or have some rich clients.”

While she expressed a vague notion, PFS6 also did not believe that the management relies on a specific criteria. She expressed uncertainty regarding the criteria’s implementation and expressed self-doubt as she took time off for maternal responsibilities. According to PFS6,

"It is assumed that every associate knows the criteria but how does one know if one is on the ladder at all? I feel all that criteria crap is hogwash. How can I be considered when I'm regularly inclined to take maternity leave or stay home when my child falls ill or is sent home from school? I don't believe a thing they say."

She assumes that male solicitors are more likely to be promoted as partners than female solicitors. She disclosed that if she wanted to become a partner, she will establish a small firm with another individual as a partner since such a fete in a large firm is stressful. She also disclosed her conviction that “the men will do it better”.

- **Communication gap between management and practitioners concerning promotion process**

The data so analysed pointed to a finding which exhibited a lack of communication between the management and practitioners in the two the large firms. Earlier in this segment, MP1 and MP2 mentioned that unassisted networking amounted to competence and a self-generated caseload enhanced the chances for promotion. In other words, business development is considered a vital attribute in promotion. But the participating solicitors expected the management to allocate cases and to assist them with networking instead. The finding on a lack of communication is a fundamental flaw within management responsibilities. Such a gap affects not only the solicitors but also the firm itself. The firm is likely to lose potential professionals to other competitors.

This segment concludes a presentation of the findings from the two large firms. The following chapter presents the empirical findings from three medium-sized and small law firms under study.

CHAPTER 5

PRESENTATION OF RESEARCH FINDINGS FROM ANALYSED DATA OF THREE MEDIUM AND TWO SMALL-SIZED LAW FIRMS IN ENGLAND

5.0 Introduction

In the previous chapter, the findings from the semi-structured interviews held with participants from two large law firms were presented. In this chapter, the qualitative empirical data obtained from participants from three medium and two small-sized law firms which have been thematically analysed will be presented.

This batch of the sample group comprised of two partners, one HR director, nine senior and six junior solicitors from the three medium-sized law firms. The alphabets 'C', 'D' and 'E' have been ascribed to the three medium-sized firms to maintain anonymity. Within this sample group also includes participants from two small sized law firms comprising of one partner, a sole practitioner and five senior and junior solicitors. The two small firms are identified as firms 'A' and 'B'.

The detailed demographics and assigned research identities are also fully presented at Figure 3.3 of Chapter 3 of this thesis.

Firstly, the thematically analysed data from the three medium-sized firms 'C', 'D' and 'E' have been stated below.

5.1 Ambition of Male and Female Solicitors' from Medium Law Firms in England

Some medium-sized law firms do not vary significantly from large law firms, as they sometimes engage in similar corporate and commercial law practices which are vast in scope and could span across national and international spheres.

The same interview questions regarding career goals and aspirations were presented during the semi-structured interviews. As stated earlier, the participants were provided the freedom to refrain from responding to any or some questions or withdraw at any point during the interview sessions. With regards to questions on their career ambitions, seven participating senior solicitors agreed to respond to these questions.

Four senior solicitors from three medium-sized firms, refrained from responding to the questions from which the theme emerged. The four senior solicitors individually expressed resignation concerning their career aspirations due to their stalled progression in their law firms. They revealed that due to their legal career experiences, they preferred not to discuss which included career prospects and ambition. They explained that they had already reached a point where issues relating to career ambitions were no longer of interest to them.

Each of the four senior solicitors pointed out the reason for taking their stances. According to them, they all have been performing legal duties akin to those of designated partners without formally being promoted. Therefore, they do not view career ambitions as a matter of necessity or a point to be discussed. The findings on ambition were thus as identified from the qualitative data obtained from seven solicitors from the three medium-sized firms under study.

- **Enthusiasm and ambition inherent among participants**

The expression of the remaining participants, who consented to participate, pointed to the fact that they all nursed career aspirations of becoming partners in the future. Participants indicated their willingness and ability to work hard and remain resilient in their desire for future professional advancement. To emphasise their degree of ambitions, some referred to efforts made by them to survive the financial demands university education, legal practice course and training phases prior to becoming qualified.

PMS14, a young white male solicitor with five years of PQE, explained the following:

"Perseverance is the watchword. I look forward to promotions and that makes me work hard. I tend to go for the harder cases to be noticed. But nothing so far yet. A few increases in remunerations . . . Yes. But still in the saddle. My career goals determine how much I put into my portfolio. I got promoted to senior associate within three years of my retainer. I know things may change as the years go by but that is not so much of a problem. I'm working hard enough for now"

The career success of PMS14 was considered in the light of his age and current position. He was under 35 at the time of interview and was already a senior solicitor in a medium-sized firm. He expressed a strong aspiration for career advancement.

- **Maternal/Parental responsibilities do not always hamper ambition**

It was observed that parental responsibilities did not stop some female solicitors from aspiring to the position of partners in the future.

The general conception is that female solicitors are constrained by family or child care demands and thus do not commit to their respective law careers adequately. Due to this notion, they have been consistently disfavoured and passed over at work. Thus, their male colleagues are claimed to enjoy more opportunities to be more involved in work and exhibit their competences (McGlynn, 2000; Sommerlad & Sanderson, 1998). This was not applicable to the participants under this study. Most of them expressed enthusiasm about advancing through the hierarchy to become partners at some point in their legal careers.

PFS8, a married director (senior solicitor) and mother of one, also maintained an ambition to grow in her profession. She disputed the notion that parental responsibilities always restrict women's professional aspirations. PFS8 explained:

“Of course, yes! I am looking forward to a glorious career goal. My ambition is to end up well as a partner . . . equity, non-equity or to be a sole practitioner if the worst comes . . . I've been working extra hard to get noticed by the powers that be. You talk about female associates not being trusted, but we try as hard as the men. We only need to be given a chance to prove our worth. I have a daughter that I wholly take care of but that hasn't dampened my ambition to get there. Having the ambition is one thing, getting there is another, though.”

PFS8 disclosed that her ambition can materialize if she has access to adequate child care arrangements.

- **Male and female solicitors exhibited similar levels of legal career ambitions/aspirations.**

Male solicitors also expressed a strong belief in their career progression and expressed their height of aspirations.

PMS16, a male solicitor with four years PQE, explained that even though financial gains form a part of solicitors' desires, his major priority is to attain promotion to the top. The ambition to become a partner was expressed adequately by both the male and female participants, irrespective of the challenges they highlighted.

- **Lack of enthusiasm and doubts over professional ambition by Senior Participating Solicitors**

It was identified within the analysed data that senior female solicitors who agreed to participate expressed doubts concerning ambition. Some of the female participants responses pointed to a conclusion that they harbour doubts about their own ambitions due to a widespread lack of trust from their employers, an under-estimation of their personal abilities, competences and commitment. They condemned the socially construed notion of male solicitors being held out as the "ideal workers" within the profession and felt being biased against.

A response by PFS8 captured the general feeling of the female participants. Her response has been reproduced below:

"Of course, yes! I am looking forward to a glorious career goal. My ambition is to end up well as a partner . . . equity, non-equity or to be a sole practitioner, if the worst comes . . . I've been working extra hard to get noticed by the powers that be. You talk about female associates not being trusted, but we try as hard as the men. We only need to be given all a chance to prove our worth. I have a daughter that I wholly take care of but that hasn't dampened my ambition to get there. Having the ambition is one thing, getting there is another, though."

In the literature review section of this thesis, McGlynn's (2000) condemnation of the notion underlying the human capital theory was discussed. McGlynn (2000) and other scholars highlighted how female solicitors were being judged solely according to their biological differences to the extent that it is assumed female practitioners will always make one choice, where they prefer home/family over work life.

PMS19, a married young white male with four years PQE, had a different mindset about the choice of women. He explained that despite not being acknowledged, women might be as ambitious as men.

PMS19 said:

"Judging from the statistics, one can't tell really if our female colleagues really want to take the challenges squarely. Hmmm!! Don't know but I have some great female professional pals who are striving just like us guys. So, I should think that we all share at least similar goals to get to the top. Going through the qualification phases are hard enough. And now, there are more women Trainee lawyers than men, so, yes! They are "grafters", hard nuts indeed but it isn't showing on the scoreboard."

Some male colleagues share the management's assumptions regarding the extent of commitment by female solicitors. Some male participants stated that due to the intermittent breaks in career experienced by female solicitors, it could be unsafe to assume that female solicitors are ambitious enough to attain the same success as men.

PMS16, a black male solicitor retorted:

"Every practising lawyer should be contemplating a rise in remuneration or level after a reasonable time like 3 or 4 years. But my female colleagues do suffer a lot of breaks though . . . getting married, having kids etc. My firm is known for promotions based on revenue yields or huge, buoyant portfolios reeling with funds. The benefits or bonuses are great but being at the top caps it all for me. Not many female colleagues are in the mix though."

The findings revealed that both male and female solicitors in medium-sized firms harbour the ambition to succeed, but some have lost the enthusiasm due to the familiar barriers they are facing some of which were indicated in the literature review

Findings from the three medium-sized law firms confirmed that female solicitors, similar to their male colleagues, aspire to reach the top. The first research question, (RQ1) was this: '*What is female solicitors' conception of career success and do they really aspire to become partners?*'

The findings obtained from the qualitative data provided answers to the first research question as it pertains to solicitors practising in medium-sized firms. Both male and female solicitors do have ambitions and most aspire to attain career advancement up to partner level. Those from small firms will be presented later in this chapter.

5.2 Work Culture in Medium-Sized Firms

One of the significant themes that re-occurred within the analysed empirical data of this research surrounded the issue of culture within firms in the sample group. Common sub-themes were also identified across the data from the medium-sized firms. This presentation of thematically analysed data exhibits the themes found from the responses of participants in medium-sized- firms. The data comprises of their expressed perceptions, lived professional experiences and opinions.

Many of the participants specifically discussed their dissatisfaction with the prevailing work culture in their medium -sized law firms. The outcomes were similar to those found within the data from participants of the two large firms 'F' and 'G'. The sub-themes identified within the culture in medium-sized firms included issues regarding mentoring, case allocation, networking, long and billable hours, work-life balance, well-being, gender pay differences and a culture of silence.

These factors have been discussed individually to highlight aspects of the analysed qualitative data obtained from participants during the research.

5.2.1 Mentoring in the selected medium-sized law firms in England

The examination and analysis of the empirical data produced findings that appear to assert differences along gender lines.

- **Positive and negative findings concerning mentoring culture**

Many male participants expressed satisfaction with their mentoring schemes and opportunities while most female participants expressed dissatisfaction. Male solicitors disclosed that they shared good mentoring relationships in their respective firms and consequently hoped to do well in their career advancement bids. But some female participants, relayed a feeling of alienation, existence of biased mentoring relationships and blamed management for a lack of concern.

PFS8 of ABS law firm 'C', statement below expressed dissatisfaction:

“If you are lucky to have a good mentor, then your career is mapped out for you. That’s the culture here. We continue to remain silent in the face of biases. Who do you complain to? The boss that doesn’t like your face or your lipstick? (laughter).”

The assertion of PFS8 was repeated by PFS13, who attributed such biases to three factors: race, gender and unconscious biases against individuals.

According to her:

“There are several reasons why a senior associate or boss can marginalize you. The colour of your skin, the length of your skirt or even your voice can create a dislike of you by your mentor or senior colleague. But these things are

difficult to say because only you might know that you are being discriminated against.”

But one or two female solicitors also reacted with positive tales of their mentoring experiences. PFS11 and PMS14 expressed satisfaction regarding their mentoring schemes. PFS11 indicated,

“I was okay with my mentor. He was very kind and understanding. It may be that I was just lucky to have a kind soul as my mentor. I have grown to be very close to him and continue to seek his advice when required.”

PMS 14 also proclaimed his luck with his mentor:

“Mentoring is great for our career moves. Those who have been there can pull along others like us and show us the way. I respect my mentor for showing me the intriguing aspects of the job and paving way for opportunities . . . It’s not easy.”

An ambivalent message emerged from the data about mentoring schemes from the three medium-sized firms. Some participants expressed satisfaction, while others displayed dissatisfaction.

- **Mentoring in medium-sized firms: Partners' perspectives**

Participating partners confirmed that mentoring was a prerequisite in legal career development and advancement which every practitioner should be equally entitled to. But the partners expressed that it is also the duty of practitioners to seek such available opportunities within the firms.

HRD1 explained that mentoring is different from case allocation and thus needs be initiated by practitioners. Exhibiting willingness to participate in a case can lead to more mentoring opportunities. All three participating partners and HRD1 agreed that mentoring was vital but should be requested.

5.2.2 Case allocation culture in the selected medium-sized firms in England

This section reports on findings from the data regarding participants’ perceptions about the style of case allocation and compliance with equal opportunity policies by management of their firms.

Both participating partners, the HRD and solicitors were asked questions at different times during data collection stage. Partners were individually asked about how they managed the firms because good management remains an asset for employees' career development. The findings as presented below show an ambivalence of opinions and experiences.

- **Mixture fair and biased impressions of the case allocation culture**

Some male and female participants complained about an unfair case allocation culture, influenced by stereotypes and unequal opportunities. While some female participants reported a lack of "good" cases that could enable them to exhibit their competences, male participants complained about being burdened with complex caseloads.

PFS15 from medium-sized law firm 'E' explained that female solicitors were perceived as less competent to handle complex cases single-handedly. They were always either paired with male colleagues or by-passed in favour of their male colleagues due to negative stereotypes and assumptions regarding female work ethics.

PFS17 in an attempt to explain her experience on this issue said:

"Any female lawyer's nightmare is the case management style at work. Why do they believe that we can't handle those so-called complex cases? Why do they believe we women can't handle the new foreign client? All I have been getting are counter questions instead of providing answers . . . (sighs)."

PFS15 condemned the biased mentoring culture in her firm but also disclosed that:

"At least scientists have not confirmed that men are more intelligent than women. Have they? It's not so bad as it used to be when I started."

However, PMS14, a male participant, provided a reason that he believes influences case allocations:

"Oh well, guys do it, better don't they? I'm cool about caseload so far. They saddle the guys with the complicated cases and expect you to win at all cost, . . . I think that's a bit unfair. Let the women do the dirty jobs too and endeavour to get more criminals behind bars."

The findings presented different perspectives regarding bias in allocation of cases among participants. While female participants felt they have been marginalized due to biased stereotypes, male participants expressed satisfaction with the system and

attempted to justify why their female colleagues suffer biases in case allocation models in law firms.

- **Justification of case allocation culture: Perspectives of Participating Partners**

Participating partners were also asked questioned about their management styles. All the partners and HR director asserted that case allocation is fair and unbiased. They clarified that considerations for case allocations are made with the aim of providing the best service to the clients. They individually stated that expertise, availability and continuity were always considered during case allocations.

The HR Director of medium-sized law firm 'C' explained:

"As a Director and Compliance Officer for Finance and Administration (COFA), I allocate cases according to the associate's competence and capability. Our associates are all well known by me and I know who can perform at a certain point in time. The problem with granting complex cases to a female associate or especially a married one or mother is the uncertainty surrounding her attendance. Many women are known to take time off for one reason or the other, unlike men. So, I usually take this aspect into consideration when I'm allocating cases. It is a natural thing to do."

He further stressed that,

"The world is changing. Clients want their issues sorted within a reasonable time. While some female associates are doing well, I objectively tell you that the men go all the way. They give less excuses and simply do it! We understand the intricacies of being wives and mothers. But we also recognize those who do it without much complaints."

The HRD's explanation reflects the views of the other two participating partners from firms 'D' and 'E'.

The above statement also aligns with the statement made by PMS16 from firm 'E'. He explained that his female colleagues always took time off, leading to delayed instructions. Often, other solicitors are instructed to complete the casework initially initiated by female colleagues. He suggested that most married female solicitors are unreliable therefore are often not instructed to deal with urgent and complex cases.

According to the consensus identified from the data, male and female solicitors feel the pressure at work. However, the sources or cause of such work pressure were found to be different for some.

PFS15 explained that female solicitors feel pressurised to prove their professional ability due to negative gendered constructions of role incongruity, while male solicitors are pressurised to maintain their status as strong, committed, ideal performers.

She said:

“A woman has to prove what she is capable of all the time while a man is pressured to maintain his agility, strength and commitment” It’s a man’s world!! I never knew it extends to the law profession too”.

- **Maternal responsibilities do not always affect female participants' work and commitment**

This notion of PMS16 that family and maternal responsibilities affect female commitment and competence was countered by other female participants. All female participants expressed their willingness to face challenges at work. Child care, which is often considered a potential hindrance to female practitioners, was discussed during the interview sessions. Some participants emphasized that childcare issues do not present an obstacle, as they can make adequate child care arrangements while dedicating sufficient time to work.

Other issues like fair pay and a state of well-being at work were pointed out as being more of a hindrance to them than child care.

PFS21 said,

“I have a kid, but childcare is not the issue here. If I am well paid, I’ll provide the best for him. So, it boils down to how well I am at work, how deserving they are of my competence and dedication.”

PFS 17 corroborated this view when she said:

"I don't have children but let me answer this question the way I feel, please. This is the mistake everyone makes. Not everyone is interested in childbearing. It's a choice people always seem to get perplexed about. I am 34 but don't need any. I still have a family, but my work is equally important to me. My profession provides me with most I need. Not my family. If I change my mind, I'll pay for childcare."

PMS7, PMS13, PMS18, PMS19, are all male participants who confirmed that they do manage family responsibilities appropriately which enables them to concentrate on work demands. A common noticeable factor found within the data from male participants was the reliance on their female spouses to cater for their children. The responses all pointed to their female spouses being the primary sources of family support for childcare responsibilities. The male participants equated financial provision for childcare with family responsibilities.

The statement of PMS7 is representative of the statements of other males. He said:

"As a man, I do my part by providing the money for the family. My wife does the physical bit. With money, one can get any type of support. I'm not expected to nurse a baby. That is the woman's prerogative."

PMS19 revealed that he is expecting his first child, but his working wife will utilize her maternity period to provide adequate childcare for their unborn child because that is 'her department'. PMS17 did not have a child at the time of the interview but expressed his willingness to take reasonable steps to prevent set-backs.

The standard line of thought identified among female participants dispelled the notion that childcare/rearing responsibilities affect female commitment at work and subsequently, their career advancement. A few who suggested a possible impact stated that such difficulties could be solved with adequate wage structure.

- **Lack of opportunity for female solicitors to exhibit competence**

A new approach to work ethics was identified among some senior female participants. Contrary to previous findings in the literature, both male and female participants expressed an inclination to tackle challenges. The female participants asserted that they are willing to prove their professional worth if given the opportunity.

PFS11, FD8, FD9 and PFS15 expressed their wish to place work- life above family-life. They revealed their desire to dispute the perception that female solicitors cannot commit fully. PFS11, with eight years PQE, mentioned that she has attained her senior position with proper childcare arrangements and it has not interfered with her work schedule so far. She went further to reveal that her career advancement has

been slow despite her effort. PFS11 stated:

"I am a woman, an able one but I am undervalued just for being a woman. I have not complained to anyone about my inabilities. The pressure my male colleagues feel can be handled by some of us female. I don't know who is fanning the embers of inferiority of women in terms of work-related challenges. We sure have our ways. The pressure they put on us are a different kind of pressure. Making us fight too hard to prove ourselves. We don't need to. If everyone is treated same way, the true star will emerge regardless of our gender."

This also confirmed the views of some of the other female participants who said they were being discriminated against based on wrong assumptions about their choices and preferences.

Findings from the analysed data indicated that a group of female solicitors are willing to offer their professional best to achieve their career goals while hoping for equal opportunities at work. Participants expressed a desire for an unbiased case allocation to help them prove their competences. Thirdly, there is less

5.2.3 Networking culture in medium-sized firms in England

Earlier in this chapter, the findings from large firms were presented in relation to networking culture. This section presents the findings the same in the three selected medium-sized firms in England.

These findings form subthemes of the central theme of firms' culture. This is also related to my second research question regarding this culture's impact on female's career progression in medium-sized firm.

- **Lack of networking initiatives by Female solicitors**

The findings were similar to those identified for the two large law firms. Most participants associated the need for management's assistance in networking opportunities. Since it is optional, many participants underestimate its impact on their career advancements. Participants expected the firms to organise or assist them with networking opportunities, while the management expects participants to

accomplish this on their own. Partners emphasized on the importance of utilizing individual initiatives which could be subsequently supported by the firm.

- **Solicitors' ethnicity and appearance influence networking opportunities**

Others thought that their ethnicity or appearance affected their networking opportunities. PMS16, a black, dreadlocked solicitor, reported this while discussing rates of inclusion and exclusions in his firm's networking activities:

"I have dreadlocks, so I'm stereotyped as a hemp-smoking natty-headed stud who can't be serious. It is a societal impression. I don't get invited to real meetings. Maybe the guy at the top sees me as not up to the image. But that's how it works. Male solicitors get biased against too. You can see that stereotyping doesn't apply only to women. Guys experience it too. It's about where you come from or how you view the world."

He thought that his appearance impacted his opportunities at work negatively and therefore emphasized that male solicitors face discrimination at work also.

- **Participants sexuality affects professional networking**

PMS16 is a black, dreadlocked gay solicitors. He keeps his sexual preference secret from those at work because he fears being a victim of homophobic colleagues. He, therefore, limits his networking activities with colleagues. His responses as earlier referenced verbatim above indicated his being stereotyped expressed being stereotyped due to his appearance. Thus, his sexuality affects his networking activities even though his employers are unaware of his sexuality. PMS16 said:

"I'm black, I'm gay and I have dreadlocks. Such a wrong combination. I am personally pleased and free for the choices I have made. I'm a human being with choices. But society says I shouldn't be who I am. So, I do not discuss my sexuality at work. They are yet to get used to the fact that some people have choices and are different. Yes! I feel marginalized as a gay man, as a black man and one with dreadlocks. I feel marginalized because I cannot be who I am at work. I have a wide network of friends and colleagues but not in this firm. So, I don't bother with networking. Even in my country of origin, gay people are still being murdered to date. (Laughs)"

- **Proactive networking is valued more by management**

HRD3, MP4 and MP5 individually reported that good business gained through self-initiated networking activities is more appreciated than those generated with the firm's assistance. They all unanimously emphasized that networking is a reliable resource all aspiring partners should possess. They disclosed that male solicitors exhibit more interest in networking activities than female solicitors. HDR3 explained that engaging in networking is optional, but many female solicitors fail to utilise the opportunity or create some for themselves. HDR3 revealed,

"In terms of networking, everyone has a chance to do so or join when necessary . . . It's made open to both male and female associates. Most times, the male associates show interest as against their female colleagues. No special mechanism for it. All are usually informed and those who are willing to go do so. Most women will, however, prefer to go home to their families than engage in serious networking activities. But it's pure choice."

Some male and female participants with lesser PQE displayed misconceptions regarding networking activities. PFS17, PMS18 and PFS21 equated after-hours pub meet-ups as one troubling aspect of networking. Most female participants believe that it is not worth the time. PFS17 emphasized,

"No, not for me. I can't deal with all the beer guzzling and the noise. I'll rather go home for a good rest. Let the men deal with that."

Some male participants also believe that networking involves unbillable time, and this is a waste of time, so they prefer not to engage in it.

The statement of PMS18, a male participant, echoed the views of several other participants. He said:

"I honestly get too tired to be as involved as I want. They already know those they want to support. So, no need for all that. After all, it is not billable."

Other participants stated that when they attended such networking events, they usually did so with some reluctance.

MD10, from law firm 'C', shared similar thoughts, but said he began to attend after-office networking events after a senior colleague advised him about the benefits. MD10 explained,

"I don't smoke or drink. But I had to do something. Standing in pubs for hours on end after a gruelling day doesn't cut it for me as being dedicated or as having team spirit. I didn't bother until a colleague leaked the secret. I realized too that a lot of decisions are made at those pub 'happy hours' . . . You can tell your boss or senior colleague what you want or don't want nicely while both of you are intoxicated or filled with alcohol . . . (laughter)."

However, the partners expressed strong views regarding networking, stating it as vital to business development and client creation. They explained that networking is not only about after-office pub meetings but can take place anywhere and time.

MP4, explaining the importance of networking activities, said:

"Networking is an important part of business development. A senior associate's chances of becoming a partner are higher when such networking abilities yield good and formidable clients and retainers. A Partner is a developer of the firm and the ability to network positively without much support is considered high in the competency quotient. We do not want partners that will be led by the neck. This too is an aspect that most contenders under-estimate and which unfortunately can work against their career aspirations."

Most senior participants agreed that networking is essential and also explained some of the mistakes they made, waiting for the management to help. Again, senior solicitors' perceptions demonstrated a lack of knowledge regarding work processes that can enhance promotion opportunities.

5.2.4 Long hours and billable hours culture in the selected medium-sized law firms: The impact on work-life balance and well-being of solicitors

As identified during the analysis of data from the selected large law firms within the sample, some findings from the data collated from participants from medium-sized firm also concerned the prevalence of culture of long and billable hours. From the data, it emerged that the culture of long and billable hours exists in medium-sized firms also

but on a smaller scale. Those who experience work long hours also expressed the impact on their work-lives and state of well-being. There were dissenting revelations about the culture within medium-sized firms as emerged from the data.

- **Culture of Long hours in medium-sized firms is determined by the area and sphere of practice**

The finding from the empirical data revealed that the prevalence of long hours culture in medium-sized firms differs from each firm and are determined by the area of practice.

While participants from law firms 'C' and 'D' related their concerns regarding long hours, the responses from participants from firm 'E' indicated that they are not always pressurised to work long hours. Firm 'E' engages mostly family law, public law, criminal, corporate immigration, intellectual property, child services and mental health law with local and national coverage. Participants explained that due to the time spent on each case and the geographical area covered, there is no need for long hours.

Participants from law firm E did not state any such pressure. Participating partner FP5 disclosed that she works long hours sometimes to meet her personal deadlines. FP5 related:

"We deal mostly with private client cases. We do not encourage unnecessary long hours in the office, but if an associate believes that such time will be spent concluding a case, it's entirely up to such an associate. The office gets empty by 6.30pm."

However, participants from firms 'C' and 'D' reported the prevalence of a long hours culture caused by long-distance work-related travels and international client retainers. It was found that these firms operate beyond the UK and so have the need to work long hours as to deal with clients in countries with different time zones.

The male participants from firms 'C' and 'D' accepted that long hours are an integral part of their careers but revealed that such long hours make the impact on their family lives and their individual state of well-being.

PMS12 disclosed that:

"The long hours affect everyone and everything. Your health, your social life, family life, everything. You leave home tired and get back tired. But it is inevitable, that's what it requires."

A similar perception regarding the long hours culture was expressed by PMS13, who travels frequently due to his international maritime law engagements. PMS13 explained that even though he does not spend long hours at the workplace, he does so when he undertakes work-related travels to different cities. PMS13 revealed that his female colleagues shy away from such areas, even though such responsibilities boost career prospects. He disclosed that:

"Long hours issue exists, but we guys try to blend in with it courtesy of the wife who caters for the family while I'm away. There are many women lawyers in the firm who will never accept to work in my field. It requires a lot of travelling but is also good for my swift progress. As you can see, I'm a senior solicitor at five years PQE."

Firm 'D' has a 60% female solicitor population, but as PMS13 stated, some specialist areas lack female representation due to the travel times required. PMS7, another senior solicitor from firm 'D', has three children and summarised the impact of the long hours culture on his family life as follows:

"Long hours are horrendous. Oh, Lord. I see my children in bed and come back to meet them in bed. Thank God for weekends! Family life is whack in practice. But man has got to reel in the money (shrugs, as a sign of resignation)."

The use of technology to reduce the negative impact of long hours on work-life balance was observed in the statement of MD10 and several other participants.

MD10 stated that they resort to free visual electronic media, such as WhatsApp, Skype, Facebook Messenger helps him curtail his travel times. By so doing, he is able to balance work and family life to an extent, even though these means are not enough. MD10 reported using 'Skype' (an internet-based audio-visual communication system) to connect with his two young children and spouse. He related feeling guilty for the time spent away, which sometimes leads to mental and physical breakdowns. However, none of the male participants expressed a desire to quit their occupations due to the work culture. As PMS18 said,

"Work is paramount. Without work, no money and you even lose family when there is no money".

5.2.4.1 Culture of Billable hours in medium-sized firms: The impact on work-life balance and well-being of solicitors

- **Pressure from billable hours influences the state of well-being of most participants'**

The work culture of billable hours in medium-sized firm emerged as one of the issues participants were concerned about. While some participants considered it unavoidable, others thought its impact on their well-being was significant.

Most participants reported that the billable hours culture in their law firms exerted tremendous pressure on their mental and physical well-being. Participants working in less commercial areas, mostly females with less experience, complained about billable hours. The majority of senior male and female participants accepted the billable hours culture as a part of the job and explained it as necessary.

The individual responses of PM7, FD8, MD9, PFS11, PMS13, PMS14 and PFS15 when analysed pointed to the fact that billable hours were a necessity to keep the firms functional. However, junior-participants, PFS17, PMS18, PMS19 and PFS21, expressed discontent with the billable hours culture, citing it as stressful and detrimental to their psychological state. They explained that with less legal casework and low billing rates, for immigration cases and asylum work, among others, it is difficult to satisfy the monthly limit. PMS21, a junior solicitor with two years PQE, suggested that only senior solicitors should be required to meet such billable hours.

PMS20 conveyed the impact of low funding on billable hours culture:

“I really do find it hard to meet up the billing requirement every month because of the type of work I do. Many clients seeking immigration advice do not have the means and I often undertake initial pro-bono work in place of paid consultation. It's difficult. I get by sometimes through referrals from my church, but I worry all the time about meeting up.”

The findings from the data obtained from the three participating partners and HRD regarding the billable hours culture were similar. They all emphasised the importance of billable hours and cited billable hours as more important than long hours.

5.2.4.2 Culture of pay differentials in medium-sized firms

In most firms, information regarding practitioners' remunerations usually remains confidential. Many practitioners working for the same firm know little about the earnings of their colleagues at the point of entry and thereafter. So many could not answer this question on equal pay with certainty. Those who possessed insight discussed specialist-based pay differentials.

- **Gender and Area of practice determine pay differentials**

In this research, the data analysis revealed that pay differences in medium-sized firms exist and are determined by gender, expertise in certain specialist areas and social capital.

Being a woman reduces the value placed on remuneration regardless of skills and experience. Male practitioners who are deemed to be the ideal workers are more valued and so paid more than females. This finding was highlighted in the literature about large firms (Aulakh, Charlwood, Muzio, Tomlinson & Valizade, 2017; Tomlinson, Valizade, Muzio, Charlwood, Aulakh, 2018; Feenan, Hand & Hough, 2016; Thornton, 2016).

Secondly, the area of practice dramatically determines the wages offered or paid. Many male practitioners confirmed that they prefer to take challenging specialist areas like commercial/corporate law, maritime law etc. which entail significant travels, long hours within and outside the office and demanding client retainers.

Analysed data from participants from law firm 'D' disclosed pay disparity between practitioners in commercial/corporate areas and those undertaking private client matters. They also explained that oil and gas associates earn more than those in family or employment law and expressed discontent about this.

PFS11, with eight years PQE, explained:

"When I started, I could never have envisaged that my wages will be lower than my male colleagues who joined at the same time. But it happened. It was very demoralizing to me. I cried for days. My mentor at told me I chose the wrong area. He simply said: "it was the culture". I couldn't challenge it much as I needed the job badly. I think things have improved a bit now but nothing significant."

- **Wage differences based on Social class**

Those from state schools were found to receive lower wages than those who attended public schools. Those from state schools were expected to obtain very high grades to be eligible for employment while practitioners from the Russell universities did not have to have high grades.

PMS19 and PFS21 confirmed that they believe attendance at their some of the Russel universities assisted them in gaining employment. PMS19 said he passed his law degree with a third class while PFS21 obtained a second-class lower degree. However, PMS18 obtained a first-class Qualification from a non-Russel university just like PMS20. But their wages differ in terms of experience and post qualifications.

- **Wage differences based on ethnicity and race**

PMS13, a black British senior solicitor with five years PQE, from law firm 'D', reported that he was paid less than his white colleagues but only realized it two years after. He lamented,

"A lot happen here. There's no equality. Nothing has shifted. As a black guy, I had a tough time securing work. I was almost thinking of a sales job when I got lucky. So, the least I bothered to check was the pay structure. They have no structure. Everything depends on their perception of you. As you can see, I am black and that determined my fate."

PMS16 believes that his low pay is due to his race and the university he attended. As he attended a state university and graduated with a second-class (lower) degree, he struggled to obtain training contract but considers himself was lucky to have been admitted to law firm 'E' as a criminal solicitor. He is also a Duty officer who visits police stations and other immigration detention centres. He felt that he works extremely hard and deserves better but was surprised to know that he is paid less than his colleagues who are experts in international banking, finance and insurance. He stated:

"I personally believe my experiences are due to who I am. I found out I was getting lower pay than my colleagues with the same post qualification experience after struggling to be employed. When I inquired, I was told they pay people from public schools more and that they need to encourage Europeans to cover European operations. I could not speak any European language like French or Swiss."

This implies that besides gender-based pay differences, other skills also determine the pay structure in some law firms.

5.2.4.3 Culture of silence

In Chapter 2 of this thesis, the impact of a culture of silence, which results in passive inaction by female professionals was reviewed (Flynn, Heath & Holt, 2011). A culture of silence emerged as one of the consistently identified sub-themes from the research data.

- **Most participants maintain a culture of silence**

As observed from the detailed qualitative data, participants had earlier expressed their dissatisfaction with mentoring, casework allocation, networking and pay, yet none revealed their disaffection or disagreement to the management. No record of complaint was identified from the analysed data. FD8, in discussing the effectiveness of equal opportunities imparted:

"No, it is not effective at all. I have not bothered about it. How do you start to prove bias? It is quite difficult to make claims against those who discriminate against us. It will be time-consuming and only the claimant becomes the loser. Not many people are willing to take that risk or chance. I'll rather keep my job and quit at my own instance."

PMS21 expressed a similar stance:

"I'll simply walk away from it if I can't take it."

PMS14 made a similar observation about informing the management of his concerns:

He declared:

"It's a case of walking away or take it and zip it up."

The statement of PMS14 best describes the common characteristics surrounding data on culture of silence among majority of the participants in the three medium-sized law firms under study. Identification of incidents within the data where participants condoned acts they found discriminatory at the workplace was common.

For instance, some participating female solicitors reported harassment at work but chose to remain silent about their experiences. PFS17 stated,

"We get harassed every day! From our outfits to our make-ups. Our male colleagues wear their trousers and shirts, but we are expected to wear alluring outfits. There was a senior partner who often commented on the legs of female associates. It made us feel very insecure, really. But no one complained. You don't want to be the first to say it!!"

Both male and female participants from the three medium-sized law firms exhibited the characteristics which indicated the prevalence of a culture of silence at their respective firms. Those participants cited a fear of victimisation as the reason for this silence. Others expressed indifference on the basis that their complaints would not bring about immediate change.

Participating partners individually asserted that they do respond to the grievances of employees if such are brought to their knowledge. HRD3 explained:

“It’s their duty to point out where and how this happens. We at . . . engage constantly in matters that eradicate gender inequality. Time to speak up and act up.”

From the above data obtained from participants from three medium-sized firms which was analysed and presented in this section, it is clear that some participants consider the prevailing work culture in their medium-sized firms as biased and stereotypical, while others do not. Several reasons were adduced by each individual participant in support of his or her perceptions and experiences. Participating partners who are responsible for management of the respective firms also shared their perspectives. The findings presented above provided answers to the second research question which sought to know the extent of the culture of small, medium and large law firms impact female solicitors' career advancements.

The findings also showed that the culture does not affect only female solicitors but also male solicitors.

5.3 Promotions in Selected Medium-Sized Firms

The literature on the career advancement of female solicitors to the level of partners suggests that it remains protracted despite the diversity and inclusion initiatives introduced by the Solicitors Regulation Authority and the Law Society.

The third research question sought to explore how the promotion to partner process in small, medium and large law firms are determined and implemented in England and how can it be improved. The findings on large firms were presented earlier. This section presents findings from the three medium-sized firms as studied.

The empirical data obtained from participants practising in three medium-sized law firms in England was also thematically analysed to explore phenomena which emerged that could provide answers to the third research question.

The promotion strategy and processes illustrate the work culture in most law firms. Rose (1999) asserted that quality performance does not comprise the most critical consideration for promotion to the position of partner anymore. Other factors/criteria such as economics and business origination/development, workloads, personal potentials/human capital, among others, are commonly considered as part of the promotion process.

The literature review on promotions within law firms revealed that aspirants to partner positions do not require to excel in all of the categories but should do impressively well (Rose,1999).

5.3.1 Promotion process from the perspective of participating partners and HRD in the selected medium-sized firms

The data obtained from participating partners and subsequently analysed thematically has been presented first because they are part of those in authority who implement the promotion processes within their respective law firms.

- **Promotion process/criteria explained by participants and HRD**

All the participating partners and HR Director explained the real considerations for promotion during the semi-structured interview sessions held with each of them. The responses provided by them as analysed, pointed to similar factors/criteria as earlier mentioned by Jarret -Kerr (2014) and Rose (1999).

The primary considerations identified as being vital in the consideration for promotion to partner levels included professional competence, dedication, resilience, good business development/case origination and focus, self-reliance, teamwork and the ability to work under pressure.

HRD3, from firm 'C', enumerated the main qualities:

“Main qualities considered for promotion include business focus, competence, business case development, commitment, client demand, technical and

personal skills. Just the usual factors every good business strives to attain. Every law firm has the goal to develop the business through good networking and case management strategies. Such a skill can only be put to good use if he or she is competent and dedicated.”

MP4 from firm ‘D’ also stated:

"Main factors considered for promotion in our firm are teamwork, quality of knowledge, ability to delegate and work under pressure,people skills."

Furthermore, FP5 from firm 'E' emphasized:

"Competence of course. Good client management as in being client focused, case generation and management, ability to be self-reliant and finally resilience."

From the empirical data, it emerged that the three firms employed similar criteria in the promotion to partner process within their law firms. Each disclosed that selection during the promotion is strictly based on merit and not gender or quota basis.

MP4 emphasised that:

“Selection is strictly on merit. Nothing to do with gender. Most female colleagues live under the illusion that they can never make it and so do not bother much. While I agree that there may be some obstacles, there are ways to overcome these obstacles.”

FP5 who is a female partner was quick to reiterate this view:

“No gender issue when it comes to promotion to partner phase. A partner is like one of the development agents of the firm. A partner whether male or female is expected to meet the criteria like a development agent of the firm.”

All three participants explained the prevalence of a misconception regarding the criteria for promotion to partner level. For instance, they all individually clarified that the culture of long hours, flexible work and case - work which is deemed to affect the well-being and work-life balances of many females and some male solicitors were misunderstood by practitioners.

Regarding the long hours' culture, FP5 elucidated:

"It does not matter how many hours one works. It is how much one contributes during those hours. Working long hours does not equate billable -hours. So, working part-time is not a barrier. A good case management ability implies that such an individual can effectively deal with clients or work even if not physically

in the office. Computer technology has made the world a village whereby you can connect if you really want to. Some women go on maternity holiday and can decide to remain forever under the guise of rearing children. Most firms have such policies in place but what happens if you get back and decided not to work hard enough? You cannot reap where you have not sown. There are associates who still refer cases and clients while away on holiday or while working part-time. Good business development or creation transcend working full or part-time."

This was corroborated by HRD3 who explained that:

"There is a great misunderstanding and misconception about part-time work. We are aware that some associates will be compelled to go part-time. But this is an electronic age where part-time does not mean "no work". An associate can work part-time and still garner enough skills and exhibit enough competence and business strategy. Part-time work does not limit prospect of promotion. Promotion is based purely on merit. And merit includes good business focus, ability to build good business case for the firm. One can be a part-timer and engage in good cases or networks that can catapult him or her way ahead of 'full-timers'. So, taking time off to rear children is not a barrier neither does it limit. It also, however, depends on how often time away occurs. Everything requires moderation and consideration for one's career."

From the statements of the three partners which have been reproduced verbatim for more understanding, it could be seen that there is a gap in the communication system between those in authority who implement the promotion processes and those who are to benefit from the processes

Some of the misconstrued facts which emerged from the analysed data have been presented below.

- **Flexible/Part-time work is not a hinderance to promotion**

Partners clarified that part-time work does not hinder a practitioner's promotion prospects as widely believed. Part-time or flexible working was also dispelled as having no effect on the negative perception about the competence and commitment of practitioners as generally held. The general consensus among partners was that promotion depended on the quality of work and client relations generated or maintained by such practitioners.

- **Area of specialisation affects promotion prospects**

From the data provided by the participating partners and HRD, it was found that the area of specialisation considerably influences promotion.

Certain niche areas, such as corporate, commercial, dispute resolution, oil and gas law, maritime law, intellectual property law, all create better chances for a practitioners' promotion to higher echelons within firms. These specialist areas involve considerable travel, networking and long hours due to international and geographical time differences. The partners explained that since associates voluntarily select their areas of expertise, claiming bias on this ground is implausible.

HRD3 explained that the process is unbiased because external agencies undertake most recruitments. Thus, it falls on the recruited associates to impress the management with their competencies to gain a competitive advantage. Additionally, participating partners were found to expect aspiring partners who believe they have been bypassed to raise their concerns with the management.

On issues of unconscious bias which could also lead to discriminations and marginalization of practitioners, the partners all agreed that such forms of biases may occur from time to time, but until management is made aware, the problem of unconscious bias will remain unsolved.

HRD3 stressed that:

"Issues of unconscious bias are complex. If the victim can prove it, action will be taken" our feedback system can deal with such."

FP5 also stated:

"Conscious or unconscious bias is bad for the firm's business development and reputation. It won't be condoned if management is aware."

The possibility of an unconscious or conscious bias was not entirely eliminated by the partners, but they assured that if such an issue is identified, it will be appropriately addressed. The partners placed the onus of raising these issues on those who are aware of it or have experienced such within the firms.

- **Lack of documented promotion criteria**

Furthermore, it was observed that some firms do not have a documented promotion criteria. None of the partners produced documented criteria or guidelines for promotion

through the hierarchy or any for promotions to partner levels. This suggests that the process is not subjected to a restrictive regime.

5.3.2 Promotion processes in medium-sized law firms: Perspectives of Participating Solicitors

Following the presentation of findings on the promotion processes from participating partners and HRD, those from the solicitors who participated in this research have been presented in this section.

Promotion was identified as one of the main themes in the detailed qualitative data collected from participating solicitors. Common sub-themes in relation to the promotion process were also identified. These included expressions of uncertainty, attrition, disappointment, resignation and a lack of detailed knowledge regarding the promotion criteria.

- **Stagnated Promotion rates of senior solicitors to partner levels**

The data showed that some senior participating solicitors related their grievances regarding their stagnation in their positions despite their individual competences and levels of experiences. Four senior participants (FD8, PFS11, PMS14, PMF15) revealed that their professional roles were similar to those of partners, yet they have remained without being formally promoted.

FD8 lamented:

"I am saddled with the portfolio that any managing partner can boast of. Direction and strategic planning and implementation of policies, mentoring junior associates, maintaining own case load in Family law and child care. Virtually doing all I can to sustain the department and firm too. They should know! I don't have to tell them."

PFS11 described her role thus:

"Doing everything from policy making to strategic business planning, case-working, mentoring of associates, engagement with the administration of the firm even in the absence of the Managing Partner. I have large client base, good client recommendation, no record of misconduct. No altercation. I simply do my work and lead my subordinates."

PFS15 also explained her situation:

“I hold the firm together, make decisions when the other partners are unavailable. I am responsible for the day to day running of the firm . . . but what do I get? Not really. I haven’t confronted them about it directly.”

PMS14 who was the only male among three females equally lamented over his stagnation:

“My job portfolio includes everything a Partner does except that I am not a partner . . . I hold the firm together, make decisions when the other partner is unavailable. I believe I should be made a partner. No. they should see what I do and make the decision themselves.”

The post-qualification experiences of the four participants ranged between seven and eight years at the time of data collection. Further, a culture of silence also prevailed among these participants.

Participants MD9, PFS15, PFS17, PMS1 displayed vague knowledge and understanding regarding promotion criteria/guidelines. PMS14 and MD9 stated that “promotions gifts from God”, while PFS8 disclosed that she was still expecting an outcome following her participation in a new competency test in her firm.

PMS14 attributed his marginalisation during promotions to his lack of involvement in after-hours networking at the pub. PMS16, one out of the junior solicitors who exhibited knowledgeable about promotions. He disclosed his belief in the notion that promotions are gained through connections and someone prominent to assist in jumping the promotion hurdle. PMS14, expressed his disbelief that promotions are based on meeting the criteria. He said:

“Promotion guidelines are there as guidelines. How they apply it is what matters. Yeah, I do know a bit about it, but do they stick to it? You still need a strong connection, a backer to get there.”

PMS11 claimed:

“Yes, I know the promotion guidelines. Competency is it!!! But it is the uncertainty that kills me. Whatever that is, one needs to figure it out and hit it hard!! Partnership doesn’t come easy. I’ve always figured it will be tough at the top but hey!! People did it. So, best to focus on it . . . With some luck!!”

MD10 queried,

“If what I know is the criteria, why am I still where I am? What is it I do that is short of being appointed? . . . I hold the firm together, make decisions when the other partners are unavailable. I am responsible for the day to day running of the firm . . . but what do I get? Nothing!!”

The findings concerning this aspect of the data illustrate a disconnection between management and participants regarding the promotion criteria. The analysis picked up data pointing to participants’ misconceptions about the promotion models employed in their firms.

In summary, the findings were similar to those of large firms in several respects. However, the area of practice/specialisations determined, to an extent, the implications of long hours in medium-sized firms. Male practitioners are paid more than their female counterparts, similar to large law firms. While female participants thought they received biased treatment due to stereotypes, some male participants felt they suffered prejudice due to their race/ethnicity. Furthermore, similar to large firms, women's parental responsibilities do not restrict their level of commitment to their career and profession. A culture of silence and a communication gap concerning the undocumented promotion process were also found to exist. Participating solicitors misconstrued the processes such as long hours as being critical, without understanding that billable hours have a higher value than long hours in the office.

These findings from the data obtained and analysed offered detailed answers to the third research question in relation to the three medium-sized firms under study.

5.4 DATA ANALYSIS AND PRESENTATION OF FINDINGS FROM SMALL LAW FIRMS ‘A’ and ‘B’.

This section presents the findings from the thematically analysed qualitative data obtained from participants in two small law firms that were explored during the research. Small firms differ in size and structure from medium and large firms. Unlike the latter, they are managed by one or two partners or sole practitioners.

Using the inductive approach during the analytical stage, the focus was on the raw data as obtained from the participants. This enabled the researcher to identify themes and sub-themes that expressed the experiences, opinions, beliefs and perceptions of

the participants. The presentation here has been arranged in a sequence to show how the contents of the qualitative data provided answers to each of the research questions.

5.4.1 Ambition of male and female solicitors in selected small firms

The first research question of this thesis has been reproduced below for the reader's ease of reference.

Research Question 1. What is female solicitors' conception of career success and do they really aspire to become partners?

Five participating solicitors and one partner and a sole practitioner were included in the sample group representing practitioners from small -sized firms in England. Law firm 'A' is a small with two partners while law firm 'B' is a Sole practice and so is not a partnered firm. The sole practice was included as a small to provide evidence about the promotion process in such small firms and to identify the factors that influence female career advancement in such firms.

5.4.2 Ambition of Participating Solicitors from small firms

Results from this data varied but not considerably from those of medium and large firms. The patterns identified centred on ambition, career goals, job satisfaction, self-worth and resilience.

- **Enthusiasm and ambition regarding career advancement coupled with doubts for the future**

All of the five participating solicitors (PF22, PFS23, PMS24, PMS25 and PMS26) expressed their feelings in relation to their individual ambitions towards their career advancements within the profession. The result from the analysed data exhibited displays of enthusiasm by all the participating solicitors. Many responses pointed to a conclusion that they all yearn to progress through the hierarchy up to the top level of their law careers.

But the expressions of their sharp minds were followed by descriptions of feelings of insecurity and uncertainty regarding their future prospects in the small firms.

Participants from both firms described feelings of uncertainty due to the effect of family connections, which affect promotions within the firm. The findings showed that the interests of family members are usually placed above employees in law firms 'A' and 'B'. Such family members are usually directly appointed into top positions in the small firms as a way of grooming them. The same pattern of data was also identified among participants working for the sole practitioner's firm. Participants responses pointed to uncertainty due to the long time it takes for the sole practitioner to transform the firm into a partnership.

As a small law firm with a sole practitioner, it implies that there is no partnership. But once a promotion of one or two persons as partners occurs, that automatically changes the structure of the firm into a partnership.

Participants from sole practice (Firm 'B') commented on the longevity of the sole partner's position and the consequent lack of vacancy. PFS23 and PMS25 discussed their perceptions of self-worth and how bleak the realization of their ambitions seemed. So, even though they disclosed their ambitions, they thought they could not be realised in the small firms.

PMS24 stated:

"As a senior solicitor, it's quite glaring that my career ambition which I strongly have cannot materialize here. The uncertain situation is glaring right in my face. There's simply no room for me here. I don't think the practice owner has thought of that."

PFS22 of law firm 'A' expressed resilience but still felt that:

"Working in a small firm means that your effort is easily noticed. I do harbour powerful feelings about my career goals. Yes, I surely do nurture an ambition to get to the top range within the next two years. Having a PQE of 6years should be enough. My idea of career success is reaching the top!! Partnership here.....? But let's see."

PFS23 also of Law firm 'B' reported,

"Talking about career goals, hmm . . . We all do have some. But do we all get there? I don't think so . . . Practising family law in a small firm without celebrity divorce cases means that our effort at doing our work and helping those in distress remain unheard. I believe someday I will be heard. Yes, I look forward to finding myself at the top someday soon, hopefully (laughter)."

The evidence suggested that women and men do aspire to become partners in small firms too. But most participants reported that their desire to become partners in their current small firms may take longer. Specifically, those practising in a sole practice expressed the belief that such career promotion not materialize at all. These responses answered the research question (RQ1) in relation to small firms.

5.5 Work Culture in Small Firms

The analysis of data from participants pointed to a frequent discussion on work culture in small firms. The common theme among the five participants raised issues which sought to bring to light the answers to the second research question. The second research question has again been reproduced for ease of reference below:

RQ2. To what extent do small, medium and large law firms' cultures female solicitors' career advancement?

Having dealt with findings on medium and large firms, analysed reports from small firms which relate to the work culture is presented here.

The participants from the two small firms were found to operate in less highly commercialised protected areas (asylum, immigration, criminal law, family, debt, employment and consumer affairs etc.).

Culture was also identified as a recurrent theme within the empirical data relating to the two small firms. These emerged as descriptions, perceptions, observations of individual or combined characters, patterns, roles, norms and aspects of behaviours which culminate into cultures of the firms. These included proximity to management, team work, networking, mentoring, case allocation, family biases and impositions, freedom of speech, discontentment about privileges, lack of job security, partner self-centredness, differentials in wages between solicitor-advocates and non-advocates.

5.5.1 Notion of the “Family”: Proximity to management /team spirit/well-being

In addition to the finding that participants are ambitious and aspire to enjoy career progressions, it was observed that almost all the participants expressed a sense of belonging to their small law firms.

- **Proximity to management**

The work culture in small firms was found to be distinct from medium and large firms. The empirical data pointed to a culture of communality existing between practitioners. They expressed the existence of close proximity between them and a sense of trust among each other. They expressed satisfaction about being free to discuss their discontent with the partners. Participants disclosed an unlimited access to the principals when necessary.

PFS22 declared:

“We are like family here. We help each other, and it feels like home when I’m here too. I can speak to my boss (SOLE) anytime and he listens. I’ve been here 6 years and feel content. I’m not as stressed as I used to be when working for a bigger firm.”

PMS24 echoed a similar notion as PFS22:

“This is a small firm and we are in a team so less stress. Like a family, really. We interact with each other as one people. We feel privileged because it is not easy to get into a law firm after training. So, we also ensure that junior colleagues are well mentored to carry on when they are able.”

This view was confirmed by the female partner and sole practitioner respectively. Both disclosed that although they form a small unit of practitioners, they enjoy a close-knit work relationships with members of their respective firms and encourage their practitioners to do the same.

SOLE explained,

“I personally endeavour to make sure they are happy here. I have experienced discrimination in large firms before establishing mine. I accept solicitors from BAME since others won’t accept them. And I operate an open-door policy here.”

The statement above confirms the responses offered by participants about proximity and its benefits.

5.5.2 Existence of direct mentoring schemes

Unlike participants in medium and large law firms, participants from the two small firms reported excellent mentoring relationships in their firms and attributed this factor to

proximity to their mentors. There was no complaint concerning lack of mentoring. PFS21 stated:

“I feel really lucky to be here. I know how much my colleagues in big firms complain about their mentors. I know they earn a lot more than I do but at least we have peace of mind here. Our Principal does everything possible to ensure we are well informed and directed.”

5.5.3 Networking culture in small firms

Most participants confirmed that their principals assume the networking aspect because there is no pressure on them to do so. Senior participants revealed that they engage in networking due to the opportunities it brings.

PFS22, PMS23 and PMS24 stated that their positive outcomes attract referrals through former clients. Furthermore, they network through their communities, churches and ethnic associations. They agreed that networking constitutes a vital aspect of the firm's growth as well as their individual career prospects.

PMS24 explained that he receives many referrals from his Christian Pentecostal church where he is an active member. He also offers free consultations sometimes to attract clients. PFS23 reported gaining similar networking opportunities through her church and community since the areas of practice do not attract high profile clients like those of medium and large firms. The data pointed to the impression that solicitors in small firms enjoy unpressured networking activities.

PMS22 said:

“Networking is something I do. I see it as a community service and also to boost my career because by helping those within the community, you improve their circumstances and also increase caseload. With a reasonably good positive outcome, word of mouth referrals works a lot. Prospective clients believe those who have had the experience and so we get a lot of clients.”

It emerged that FP6, partner of law firm ‘A’ is also active in her ethnic minority community and gains clients through the same means. She mentioned that

“There's really no need to scout for clients. Your good work speaks for itself. And our network is quite impressive . . . both church and community networks.

Also, the reasonable fees with some option to pay legal fees by instalments gets clients to us. No pressure on associates to do so but one who does, benefits from it.”

The participating Sole practitioner (SOLE) corroborated the statement of FP6 when she said:

“In a small firm like ours, networking is important too to grow the firm. While we don’t force anyone to do so, it is usual practice that those who encourage more work get rewarded by promotions or other forms of incentive depending on the associate’s contract.”

5.5.4 Flexible case allocation culture in small firms

Most participants expressed contentment with the flexible case allocation system. Some participants perceived the firm’s small size as an advantage, while others did not.

PFS22 and PFS23, are both part- time workers who stated that they enjoy the flexibility to plan their work- lives and so are able to achieve work-life balances.

PFS23 explained,

“I’m happy here. As a mother of 3, I can choose my hours. I can also work from home. I am an advocate, so I travel to different courts and tribunals. I get paid for work done and I still have my time for my young family. I’ve had three kids and still can work here.”

In this context, case-working concerns the choice of a balanced work and family life. The evidence points to less pressure to fulfil billable hours. The data highlighted the fact that long hours in the office are uncommon unlike in medium and large firms. Participants confirmed that long hours in the office were rare and voluntary. Case allocations are left open for willing practitioners.

PMS25 explained his assumptions about such long hours and why women avoid such cases that may lead to spending long hours at the work place:

“It should be about billable hours really! But to be honest, some cases are given to us because of the complex nature. You may need to stay out for a long time trying to get enough facts or leverage. If you are dealing with a criminal matter, then the police station becomes your second home. These involve a lot of travelling, mixing with some bad guys in prison etc. It also requires balls to look

a criminal in the face and tell him what you feel. Guys don't care much about how they feel. But women are softer. Maybe that's why they get the easier caseloads."

This statement above by PMS25 depicts his own opinion and was not challenged by the female participants.

5.5.5 Lower wages

The phenomenon of unequal wages emerged from the data as part of the culture in the small firms. In firm 'B', a 'pay-as-you-generate' commission system was identified as being in existence. It was found that some solicitors are on a commission-based pay contract while others are salaried.

Male solicitors from firm 'B' stated that they work hard to earn their higher wages, which is sometimes stressful. All explanations by the three male participants disclosed that commission-based contracts are optional for those who can generate a high volume of caseloads. It was found that most male solicitors opted for a commission-based contract while females opted for salaried wages that are relatively low. No reference to gendered pay differences was identified. The underlying reason for the different wage payments was the amount of caseload undertaken which invariably leads to increased wages. Unlike in medium and large firms, the wage differences in small firms were not specifically gender-based.

Most of the female salaried participants decried their low wages when compared to their counterparts in large and medium law firms. PMS24 recalled:

"I was very shocked to know the difference in pay between small and large firms. I feel very sad because we all went through the same legal education. But as a black guy, my chances are limited in bigger firms. Wages here are quite low."

PFS22 corroborated this but felt content because:

"I have been here for 4 years now and feel better regardless of the low wage. At least I get to enjoy both worlds: family and work. Money is not everything."

While the male participants expressed concern over the low pay, female participants preferred it in exchange for work-life balance. Some participants claimed that the

commission-based method pressurised them, as it required them to generate clients and caseload themselves. Further, it was revealed that litigating solicitors are paid higher and valued more than non-litigating solicitors.

5.5.6 Fixed-fee culture, voluntary casework and work-life balance

Most participants expressed satisfaction with their work-life balance due to a lack of pressure on billable hours from partners and the Sole practitioner. Participants stated that most cases were dealt with on a fixed-fee basis where clients pay an agreed fee instead of an hourly rate. Thus, it becomes optional for those on commission contracts to undertake more caseloads as to generate high revenues. A generalist work culture exists, where a solicitor having expertise in two or more practice areas becomes very versatile as opposed to being restricted to a single practice area. Of the five participants, two were salaried, part-time practitioners who expressed contentment with their choices.

Full-time working hours were found restricted to the hours between 9.30am–6pm. However, PMS22 and PMS24 stated that they worked long hours if they had deadlines to meet.

5.5.7 Uncertainty and pessimism about future career goals in more prominent firms

Some participants disclosed a dilemma in achieving their career goals. They decried the uncertainty in actualising their career goals. Career advancement prospects to the top levels they claimed are limited in small firms, yet, access to more prominent firms remain a challenge also due to ethnic and racial marginalisation.

As expressed by PMS26, an Asian male of BAME network:

"We are in limbo. So difficult to get into reputable firms and when you find a small one, there's a deadlock. It took me almost eight months to secure a training contract."

Such is the difficulty experienced by participants from BAME as found within the data.

The statement by PFS22 also explained further the plight of practitioners in small firms:

“It is a different game when you are not in the mainstream of things. No one really cares. You work and get light compliments. Some do the same and get elevated. I believe someday I’ll find a solution. My career elevation must not occur here. Luckily, I’m qualified enough to decide the best way even though the problem remains almost the same everywhere.”

Participants claim they remain until they are experienced enough to establish their own firms or move to more prominent firms lucky for further advancement. The explained that partners and sole practitioners of small firms seldom appoint partners to join them. They pointed out that many partners in small firms or Sole practitioners remain in position until they retire. But prior to retirement, they groom family members to succeed them instead of salaried or commissioned employees. This participants disclosed cause anxiety and uncertainty about their future. Those in Sole practices also mentioned the effect of a death of sole practitioner which in many cases could lead to a closure of the firm.

- **Sense of well-being experienced by majority of participants**

The findings showed that the culture in small firms provides a sense of well-being and encourages work-life balances through flexible-work arrangements. There is less emphasis on networking and the general culture differs to an extent from medium and large firms.

The findings exhibit some differences in culture from medium and large firms as can be seen from the data presented. These findings also provided answers to the second research question in relation to small law firms.

5.6 Promotion Process in Small Firms

This section presents the findings from the analysed empirical data as obtained from participants from two small law firms. Although an inductive approach was utilized

during the thematic data analysis, the aim was to search also for answers to the third research question.

The third research question was designed to explore how the promotion to partner process in small law firms in England were being determined and how it can be improved.

- **Lack of defined promotion criteria**

The promotion processes in the selected small firms were examined using the empirical data obtained from the participants. There were no defined or documented promotion criteria for the small firms.

Partnership by promotion was found to be uncommon as highlighted by the participants from the small firms. Participants stated that they were not aware of such promotion guidelines within their firms and did not anticipate becoming partners anytime soon.

FP6 disclosed the following:

“We do not have a documented promotion model here. It is not something we think about at this stage. We are still expanding and once we achieve our goals, we may consider promotion to partner issue. That’s not to say we don’t promote practitioners through the hierarchy.”

SOLE corroborated the statement of FP6 by saying:

“As a small firm, we undertake mostly domestic legal matters, so our trainings are focused on those. However, most female associates prefer non - contentious matters which may not push them forward enough for such promotions since they hardly contribute enough revenue by way of fees. Again, we do not have the need to promote often due to our size.”

Participants revealed being unaware of promotion processes and if there were any, they were unclear about them. They disclosed that they sometimes received annual increments in remunerations based on their performance and/or end-of-year gifts for the best performances. They stated that expectations about career advancement at their current firms were low.

PFS22 said:

“No! I’m not looking forward to a partner position at all. It’s not feasible here. I’m just happy practising with little or no stress for now. Once my kids are a bit older,

I can set up my own or go in house in a bigger firm. My wife is working full time too, so I have to make the sacrifice.”

- **Family interests**

Another participant opined that the trend where family interests are put before employees create slow career progressions and disadvantages for practitioners. PMS25 explained that family interests obstructed career prospects. Citing his personal experience as an example, he said he had joined the firm with aim of continuing the family legacy in the future. Being a relative of FP6, he said he was being mentored to take up such leadership responsibilities.

These reports provided answers to Research Question three in relation to the promotion processes in small firms.

CHAPTER 6

A DISCUSSION OF THE FINDINGS FROM LARGE, MEDIUM AND SMALL LAW FIRMS.

6.0. Introduction

In this chapter, the findings from the data collected through semi-structured interviews and analysed thematically are discussed in the literature reviewed in Chapter 2.

Previous research studies found the existence of marginalisation of female professionals at the top echelon and blamed organisations and organisational policies for this problem (Ashley, 2010; Barreto, Ryan & Schmitt, 2009; Bolton & Muzio, 2008).

In this research, specific findings were made concerning the law firms to provide answers to the following research questions:

RQ1. What are female solicitors' conceptions of career success and do they aspire to become partners?

RQ2. To what extent do small, medium and large law firms' culture impact female solicitors' career advancements?

RQ3. How is the promotion to partner process in small, medium and large law firms determined and implemented in England and how can it be improved?

These questions have also been discussed based on three theoretical frameworks, namely Preference Theory (Hakim 2000; 2004), Role Congruity Theory of Prejudice (Eagly & Karau, 2002) and Social Constructionist Theory (Elder-Vass, 2014). It is imperative to discuss these factors considering the existing literature before providing strategies and a new model that will necessitate changes in the status quo.

In this section, large firms 'F' and 'G' are referred to as "large law firms "or simply" large firms". Medium sized law firms 'C', 'D' and 'E' are referred to as "medium-sized law firms" or "medium firms". Small law firms 'A' and 'B' are referred to as" small law firms" or "small firms".

6.1. Discussion of the Findings on Diversity Characteristics in Large, Medium and Small Firms

One of the initial observations was the demography of the participating firms and the diversity of characteristics within the selected firms. There is a significantly low representation of some ethnic groups, which requires further discussion.

6.1.1 Under-representation of BAME in large firms

At the time of research, it was found that in large firm 'F', 75% of solicitors were of white origin and 25% of solicitors were of BAME network. In large firm 'G', 80% of the total solicitors were also of white origin and the remaining 20% of solicitors were from BAME network. As discussed in Chapter 1 of this thesis, this finding corresponds with the conclusion that despite improvement in the situation regarding diversity and inclusion, much still needs to be done to achieve complete success especially in large firms (McGlynn, 2002; Ward, Winterfeldt & Moran, 2012; Sommerlad, 2016). Current statistics on diversity and inclusion in large firms correspond with the literature that indicates a persistently low number of BAME employees (Aulakh, Charlwood, Muzio, Tomlinson & Valizade, 2017; Tomlinson, Valizade, Muzio, Charlwood, Aulakh, 2018).

Participants blamed this trend on ethnic and gender-based marginalisation consistent with Webley and Duff's (2009) findings following their qualitative study to examine equality and diversity in the solicitors' profession in England and Wales, with particular reference to women solicitors. It also confirms the recent outcomes of researches by Aulakh, Charlwood, Muzio, Tomlinson and Valizade (2017) and that by Tomlinson, Valizade, Muzio, Charlwood and Aulakh (2018).

Findings of marginalisation due to differences in social class and capital in large firms were earlier identified by Ashley and Empson (2013). The under-representation of members from BAME was partially found to be impacted by the belief of BAME solicitors. This study revealed that solicitors from BAME network harboured thoughts of uncertainty about successful entry into large firms and so do not try as much as they should. This revelation is synonymous with the conclusion by Aulakh, Charlwood, Muzio, Tomlinson and Valizade's (2017). This exists within the backdrop of efforts being made by the SRA and Law Society to encourage large law firms that are

signatories to the Diversity and Inclusion Charter to employ more minorities. Braithwaite (2010), Sommerlad and Sanderson (1998) and McGlynn (2000) believe that the lack of regulation in the modelling and monitoring of law firms to enforce strict implementation rules regarding diversity and inclusion initiatives hinders actual success. This is one of the reasons why the 'business- case' strategy introduced in 2009 as part of the diversity and inclusion initiative is viewed as ineffective (McGlynn, 2000; 2002; Sommerlad & Sanderson, 1998). Sommerlad (2016) also opined that the initiatives had not achieved significant success in bridging the ethnic and gender gap in large firms.

6.1.2 Improvement in diversity and inclusion in medium-sized firms

There is an improvement in the diversity and inclusion levels found in medium-sized law firms. A diverse population of solicitors was identified during the study.

Figure 3.1 shows that medium-sized firm 'C' had 56% white and 44% BAME, practitioners. Similarly, medium-sized firm 'D' had 45% white and 55% BAME practitioners while medium firm 'E' had 55% white and 45% BAME, practitioners.

It was observed that in firm 'D', there were more BAME than white solicitors. Additionally, the total number of female solicitors amounted to 60% of the population of solicitors and 40% of male solicitors, yet, the margin between the number of male and female partners was wide. There were nine male partners as compared to just four female partners. No explanation was provided for this composition by the participating partners of the firms studied. It appears that the positive impact of the diversity and inclusion initiative is higher among medium-sized firms as evidenced by the nearly even ratio of diverse practitioners.

6.1.3 Lack of diversity in small firms

Among the two small firms within the sample group, diversity and inclusion of solicitors were lacking. It showed a monopoly of one ethnic group over others. In small firm 'A', the number of BAME solicitors was 10% and significantly less than solicitors of white

origin which amounted to 90%. In law firms 'B', a similar lack of diversity was observed with BAME solicitors constituting 80% as against 20% of white solicitors. Participating Partner from firm 'A' reported that they employed more white female solicitors to tackle the lack of opportunities facing them.

This representation of BAME members in small firms as observed during the study corresponds with the findings of the Law Society Mapping Survey (2017), which confirmed a 100% BAME population in many small firms (Aulakh, Charlwood, Muzio, Tomlinson & Valizade, 2017). However, in order to properly adhere to diversity and inclusion policies, small firms, regardless of their sizes, need to portray similar diversity trends.

The diversity and inclusion effort across different firms reveal a level of success that is still not very significant, especially among large and small firms (McGlynn, 2000; Braithwaite, 2010; Sommerlad, 2016).

6.2 Discussion of Findings Related to Research Question 1:

The first research question was:

'What is a female solicitor's conception of career success and do they aspire to become partners?' (RQ1).

This question was designed following a review of the literature regarding the career advancement of solicitors within the legal profession in England. Considering the ongoing debate about female marginalisation and the aim to contribute to existing knowledge through this research, it became necessary also to explore whether the affected female solicitors understood, appreciate and aspire to become partners.

At the backdrop of this, lie scholarly studies, advocations, Solicitors Regulation Authority and the Law Society diversity and inclusion initiatives which seek to promote equal opportunities at all levels within the legal profession. With regards to the current under-representation of female solicitors at the partner level in England, Hakim's (2000) Preference Theory which is one of the theoretical frameworks that underpinned

this research, assisted the researcher to examine the attitude of female professionals about their ambition and commitment to work.

The Preference Theory blames women for their slow career advancement and claims that owing to their heterogeneous lifestyles; female professionals often choose home-life over work-life. This theory categorised working women into three groups, wherein only 20% are claimed to be work-focused, with 20% being home-focused and 60% of women in an 'adaptive' group that is described as unstable with work. It implied that only 20% of working women were ready to face challenges while 60% only do so when it suited their needs. Although Hakim's study did not focus on solicitors, it focused on female professionals in general. Thus, the theory was utilised as a starting point to understand the career aspirations of female solicitors within the legal profession in England.

The theory resonates with the assumptions of the human capitalist theory which was rejected by McGlynn (2000) and Sommerlad and Sanderson (1998). Human capitalist theorists (Levin, 1992) have consistently used intrinsic biological differences between men and women to assume that female solicitors would instead invest in home-life than in work-life. They assume that female professionals have only a single choice of preferring home life and this assumption underlie further marginalisation of women practitioners due to the notion of non-committal and non-serious career ambitions (McGlynn, 2000). The first research question was answered using data from the semi-structured interviews held with participants.

6.2.1 Conception of law career success and the ambition of female solicitors in large firms

The research findings showed that all four female participants' conception of law career success relates to progressions to partner levels.

Collier's (2013) suggestion about 'rethinking the relationship between men, law and gender' (p. 2390) and the need to include men in such studies prompted the inclusion of male solicitors in this study.

Almost all female solicitors expressed the aspiration to become partners as a way of advancing their law careers as seen in the empirical data presented in Chapter 4.1.

This finding aligns with the Law Society Annual Statistics Report (2017) regarding the increase in the number of female entrants into the profession and those on the roll. As shown at Table 7, between 2014 and 2017, the number of female solicitors increased from 62,844 to 69,995 as compared to male solicitors which increased from 67,538 in 2014 to 669,629 in 2017 (Law Society Annual Statistics Report, 2017). There is ample evidence from the data to show that participants' ambitions led them to pursue a career in law considering the financial burden they incurred from legal education.

Female participants' strong aspiration to succeed as found in this study, negates the assumptions underpinning the human capital theory that claims that female solicitors only have 'one choice' – 'home-life'. The findings also corroborate McGlynn's (2000) argument that female practitioners need not be ascribed or constructed as having a monolithic ambition, that is, 'home-life' because it encourages the notion of female solicitors as being less competent. As a result of the wrong notion, male practitioners are supported more than females and so, benefit more from better work policies to the detriment of female solicitors. The lack of adequate support also impacts on female practitioners whereby their career interests become either ignored or under-valued.

The theory of Social Constructionism (Elder-Vass, 2014; Heilman, 1983) is consistent with the experiences of female solicitors because they are socially construed as 'home-makers' and men as 'bread-winners' and therefore male professionals receive more support. This paradigm was identified by Kumra and Vinnicombe (2010) as a 'male model' of success.

The findings also showed that some practitioners who are ready for these challenges lack support and opportunities because management chooses to focus on the 'ideal workers' who are male. When some determined women assume male characteristics and become highly competitive, they are labelled 'agentic' (Phelan, Moss-Racusin & Rudman, 2008) and stereotyped as assuming male attitudes. It is a complicated situation which is made worse by the culture of silence found across all categories of the firms investigated. With the prevalent culture of silence, the ability of the management to understand the actual feelings of the affected female practitioners can become limited. The findings of Flynn, Heath and Holt (2011) that non-assertiveness by female professionals lead to an undervaluation of their human capital was reflected within the empirical data of this research.

PFS3, married with six years PQE in a large firm 'F', recounted being marginalised and yet continues to practice without bringing such acts of marginalization fully and clearly to the authority. She, like other senior solicitors, resigned themselves to faith without trying to put forward a case for their career progressions. The attitude of remaining silent, adds more credence to the false assumption of a lack of commitment held against female professionals. It has the propensity to overshadow the main reason why such female opt-outs occur. It can be stated that adequate support is what is lacking, as stated in the literature by McGlynn (2000), Sommerlad and Sanderson (1998), Webley and Duff (2007) but the situation is made worse by the culture of silence.

The research supports the argument of Leahy and Donoghue (2014) and McRae (2013) that the Preference theory as propagated by Hakim does not apply to female professionals especially solicitors. The researcher argues that professional women opt out involuntarily due to disadvantageous work cultures and pressures rather than voluntarily in favour of home-life.

In this research, the majority of female participants (more than 20%) expressed the ambition to practice and remain work-focused. Furthermore, the human capital theory does not correspond with the findings of this study. Female solicitors do have ambitions to improve their careers and do not have a monolithic choice of 'home life'.

Career advancement aspirations in large firms are impacted by other factors besides gender and the need for work-life balance. Change in work structures from traditional to ABS creates work insecurities, longer partner tracks and resentment while ethnic biases were found to cause low enthusiasm towards pursuing a career in large firms. Feenan, Hand and Hough (2016) made a similar suggestion about the impact of new work processes and structures which included the Alternative Business Structure.

PFS2 is a female solicitor with six years PQE and working in an ABS large firm, retorted in response to being asked about her career aspirations. She said:

“Of course! We all have great ambitions but when structures change and leave you feeling worthless, what do you do? With ABS, anyone with money can now

become an Equity partner. Those of us waiting through the hierarchy end up remaining stagnated”.

As stated earlier, male participants were included in response to the suggestion by Collier (2013;2015). This research revealed that having the aspirations to forge ahead within the profession, they also have concerns. A black male participant PMS4 with substantial human capital and social background (public-school educated) solicitor expressed his low enthusiasm about becoming a partner in his large firm due to his ethnic background. Despite his strong human and cultural capital, he felt that his non-white ethnicity would militate against his career advancement to partner level. He instead, expressed hopes of achieving his career goals ‘in a smaller firm in the future’. BAME members believe that despite their ambitions, their chances of attaining career goals are limited in large firms. Their beliefs confirm the findings by Aulakh, Charlwood, Muzio, Tomlinson & Valizade’s (2017) that many BAME solicitors are deterred by fear of discrimination to seek entry into large firms despite the diversity and inclusion initiatives by the Law Society and those within remaining less confident. Female solicitors, therefore, do have career aspirations as much as their male colleagues as found among participants in large firms.

The findings prove that given adequate opportunities, female solicitors can advance to partner levels better than what the statistics currently depict. This assertion is evident in the number of female partners that are recently being appointed by magic circle firms in London. Even though the number remains low, it shows that they are capable.

6.2.2 Discussion on the conception of law career success and ambition of female solicitors in medium-sized law firms.

Similar to findings among participants from large law firms, the majority of the male and female participants from medium-sized firms exhibited strong career aspirations/ambitions and viewed career success as reaching partner levels in the future. Like their colleagues in large firms, they believed that partner level could be achieved but were also apprehensive due to their lived experiences of bias, discrimination and marginalisation. Even though the younger male and female

participants displayed more enthusiasm, other seniors, married and unmarried females were less forthcoming. The reason being that the senior participants' career progressions have been stagnated at their current positions and so they felt discontented. These findings in medium-sized firms correspond with McGlynn (2000), who advocated for a gender trajectory in the debate about marginalisation within the profession. It was found that parental responsibilities do not always hamper female professional ambition. PFS8, a married Director (senior solicitor) and mother of one, declared a desire and ambition to advance further. She said:

“...I have a daughter that I wholly take care of but that hasn't dampened my ambition to get there.”

The issue of doubt among participants regarding actualising their career aspirations was also an essential aspect of the research.

The underlying cause for the uncertainty was multi-faceted. The doubts of female participants were due to their employers' lack of trust in their abilities, competence and commitment. They felt that these factors sometimes caused attrition and low self-schemas, whereby self-doubt sets in and weakens their resolve to compete with their male colleagues for career advancement. Delamater and Meyers (2011) called the act of self-perception 'self-schema' and posited that it remains a significant factor in how individuals view themselves and also behave.

Social psychologists, Crocker (1999) and Delamater and Meyers (2011), argue that individual self-schemas develop in response to social interactions with others. From the research findings, female solicitors were found to perceive themselves as being untrustworthy, incompetent and incapable due to the wrong assumptions held by management within law firms. These findings align with previous research outcomes of Sommerlad and Sanderson (1998). Feenan, Hand and Hough (2016) and McGlynn (2000) also argue that poor self-assessment by female solicitors can lead to attrition and cause them to feel inadequate and opt -out. However, in this research, the four senior participants, despite being unhappy about their stalled career advancements, have continued to engage in practice; hence, disproving the widely held assumption that female legal professionals always have 'one choice' which is home-life or to opt out. Some do remain and persevere until a point they are either forced to opt -out or

leave. It also disputes the tenets of Hakim's Preference Theory (2000) based on the notion that fewer female professionals are career-focused compared to male professionals. This findings in large firms also align with the Social Constructionist theory (Elder-Vass, 2014; Heliman,1983), which explains the impact of gendered perceptions and assumptions. This research aids the explanation of the current situation and explains how best to overcome those barriers. Realistically, all may not achieve their goals, but a more reasonable percentage of women can progress in proportion to their male colleagues.

6.2.3 Conception of law career success and ambition of female solicitors in small firms

The findings from the data obtained from participants from the two law firms, 'A' and 'B', were presented in Chapter 5. All five (two female and three male) participants exhibited a quest for a high level of career ambition up to partner levels.

As with the medium and large firms, the findings in small firms pointed out that underneath the energetic, ambitious stances exist unequivocal feelings of doubt about the future in their current small firms. Participants who were of Asian and Black ethnic origins expressed a conviction about their inability to actualise their career goals in the small firms due to lack of prospects.

All five participants (PFS22, PFS23, PMS24, PMS25 & PMS26) said that working in small law firms was a last resort since they could not immediately gain entrance into large firms to practice. This is not unusual but is a testament to the findings of several authors (Bolton & Muzio, 2007; McGlynn, 2000; Tomlinson, Muzio, Sommerlad, Webley & Duff, 2013; Ward, Winterfeldt & Moran, 2012). The persistence of these ethnic and social limitations implies that the various Law Society diversity and inclusion initiatives have not been as productive as expected. The literature and Law Society statistics point to improvements in entry trends. While the general entry statistics of BAME male and female solicitors in the legal profession have improved, many continue to experience limitations in their career and progression goals. Ashley and Empson (2013) found that social class and ethnicity played a crucial role in legal career entry and advancement in large law firms in the UK, which may help to explain the concentration of BAME solicitors and females in small firms.

However, the lack of initial access to the medium or large law firms of choice did not deter these participants from pursuing their career even though promotion prospects are deemed to be also limited. Although according to Ashley and Empson (2013), the selection remains on a high threshold with only a few public-educated or high-scoring candidates being recruited, many female solicitors in small firms expressed hopes of attaining partner levels through sole ownership or a career change into more prominent law firms.

The SRA Diversity Report (2017) indicated that sole practices, which account for 27% of registered law firms in England and Wales, were run by men and women from BAME as a route to ownership and leadership. The career aspirations of women lawyers are also reflected in the report by the Diversity Access Scheme (DAS), which shows more female solicitors (159 females out of 180) seeking and obtaining support to enter the profession despite their challenges.

In the light of these findings, the Preference Theory by Hakim(2000) about female professional ambitions and preferences remains inapplicable to female solicitors in small firms also. Even though the reports in Chapter 2 indicated recent improvements in diversity and inclusion trends within some large and medium-sized firms in England, more effort is required to boost female solicitor population at the partner levels. Ambition can be relative because those with such career aspirations must be seen as genuinely wanting the career progression. Perception of low ambition can affect how such females are rated within the workplace. Also, a negative perception about women of not being aspirational enough can equally influence how much support they receive within the firms in which they practice.

6.3 Discussion of Findings Relating to Research Question 2:

The qualitative research data were thematically analysed using the inductive approach. This implies that the focus was on the raw data from which the themes/findings emerged. Those findings were then considered in the light of the research questions. The second research question sought has been reproduced below:

‘To what extent do small medium and large law firms’ culture impact the career advancement of female solicitors ? (RQ2)

The empirical research data highlighted work culture as one of the major themes that the participants focused on during the semi-structured interviews. Within the culture of firms, other sub-themes were also observed as frequently occurring. These include mentoring, case allocation practices, networking, long and billable hours, the culture of silence. Some similarities and dissimilarities were identified between the findings from large, medium and small law firms.

6.3.1 Discussion of the impact of culture in large law firms on female solicitors' career advancement

6.3.1.1 Lack of mentoring for female participants

Both participating partners and solicitors agreed that mentoring was a prerequisite for career development. The literature also indicated that mentoring boosts the career prospects of practitioners (Jarrett-Kerr, 2014; Rose, 1999). However, significant findings were made about the mentoring culture in large firms which corroborates the views of Barreto, Ryan and Schmitt (2009), Ashley and Empson (2013), Sommerlad and Sanderson (1998), Webley and Duff (2009) that female solicitors lack mentoring opportunities in many large law firms.

Acker recognised that “gender may be deeply hidden in organisational processes and decisions that appear to have nothing to do with gender” (Acker, 1992, pp. 251–252). Acker (1992) went further to explain that “it is ‘embedded’ in and recreated daily in organizational activities, most of which do not appear on the surface to be gendered” (225). This can also be understood through Bjerk’s (2008) notion of group differences. According to Bjerk (2008) consciously or unconsciously, gender differences can affect the way individuals behave in the workplace. Bjerk (2008) posited that the way men decode signals received from other men is different from the way they decode behavioural signals from women. He also pointed out that the same differences occur when signals are received by females when they attempt to decode signals from men or women.

Bjerk (2008) states that it is easy to identify a lack of commitment from a female mentee by a prospective male mentor while seeing signs of commitment from another

male mentee. In other words, individuals of similar sex or gender can better determine positive or negative behaviours in each other. Therefore, assumptions about a professional's enthusiasm to learn on the job might be different from case to case. This explanation helps to explain instances where male practitioners assume or judge female practitioners as less competent or committed to performing a task. Nalty (2016) identified it as Affinity Bias. A type of unconscious bias that attracts practitioners of similar gender and perception to work together to the exclusion of others.

In this study, there were more male partners than females in the law firms within the sample group. While it may not be the actual situation regarding all law firms in England, the sample provides a representative group of the current situation. This is supported by the current statistics of male and female partners in firms in England and Wales as reported by the Law Society Annual Reports of 2017 and 2018.

Most mentors in law firms are senior solicitors and partners. This may explain some of the reasons behind the poor mentoring culture among large and medium law firms. Prevalence of such behaviour within firms was found because male participants felt satisfied when they were being mentored by others male. A mentor acts as a role model and when there are more male mentors, it has the propensity to discourage females, on the basis that the type and extent of bonding between female and males might differ.

Therefore, the identified lack of appropriate and adequate mentoring opportunities for female solicitors can significantly affect their career growth and promotion opportunities, especially where they aspire to become partners. The findings also fail to meet the requirements of the Equality Act 2010 which provided equal and non-discriminatory opportunities for employees. Section 39(4)(b) of the Equality Act provides that an employer must not victimise an employee in the way that affords access to opportunities for promotion, transfer or training or any other benefit, facility or service at the detriment of the other.

6.3.1.2 Case allocation culture in selected large firms: Poor case allocation system.

The findings regarding case allocation and management indicated a two-pronged outcome. While many female participants felt that the case-allocation system was biased due to gendered stereotypes about their abilities, participating partners did not see any bias in the system but explained that case allocations depended on the availability, expertise and competence of practitioners. The views of participating female solicitors reflect the notion of some scholars within the literature (Martin, 2017; Sommerlad & Sanderson; Thornton & Bagust; 2007).

There is evidence within the literature to support the fact that majority of female solicitors are not satisfied with the volume of work allocated to them and also long working hours (Feenan, Hand & Hough, 2016; Thornton & Bagust, 2007).

Considering the explanation of the participating partners and the high competitiveness in providing satisfactory client service, a preference for male practitioners willing to perform tasks at the appropriate time exists. Work processes and behaviours that reduce client satisfaction (late completions, delayed or missed deadlines) may not be entertained by the management hence, the existence of the allocation system that seems to favour male practitioners.

For this reason, it could be argued that case allocation in large firms is not always underpinned by biased stereotypes against female solicitors. Client demand and satisfaction also determine case allocation systems.

- **Dissatisfaction with Gender-specific work**

Participant dissatisfaction about gender-specific work was identified by the researcher. Participating partners provided reasons for such specific gendered legal portfolio allocations. They explained that it occurs in response to specific client demands. They claimed that international clients request certain matters to be handled by specific male or female practitioners. Therefore, such demands are beyond the firm's control. This revelation was previously made by Ashley (2010) in her study of large global firms in the UK. The hyper-competitive nature of legal businesses, as Collier (2013) highlighted, implies that large firms thrive on consistency and client satisfaction. Participating partner PMS2 said, "*It is about priority. Priority of our clients, of getting the job done at the right time without excuses*". Wald (2010) made it clear that the legal

profession thrives on excellence, expertise, time management and availability and can encourage such behaviours within firms.

Participating partners did not state any effort made by them to discourage such discriminatory external demands by clients.

- **Non-legal work placements of newly qualified solicitors**

This research revealed that young male and female solicitors in large firms were being clustered to undertake non-legal work. Bolton and Muzio (2007) identified this phenomenon only among female solicitors and viewed it as a deliberate act by elite partners to feminize the lower cadre within law firms.

The literature reviewed for this research seems to recognise only the impact of placements at the lower on women and not those of men because similar experiences of male practitioners are barely mentioned. Bolton and Muzio (2007), Feenan, Hand and Hough (2016), McGlynn (2002), Sommerlad (2016), Thornton and Bagust (2007) all discussed the feminization of large firms but not those of men. This research found that both male and female entrants are being clustered at the lower cadre.

A dissenting view about the feminization of female solicitors at lower levels was that by Fouzder (2014) who argued that female solicitors, unlike males, are stalled by risk averseness and shy away from highly commercialised, high-risk and more competitive practice areas. Therefore, they become readily available for low-value–high-volume work distinct from practice areas with high turnover. This contradicts the popular stance in the literature about female lawyers being ‘pushed’ into lower status work (Bolton & Muzio, 2007; McGlynn, 2000; Thornton & Bagust, 2007). The issue of biased casework allocation and workload culture requires specific contextual understanding in order to avoid over generalisation of clustering of female practitioners at the lower cadre of law firms.

In recent times, the literature has revealed that technology is altering the usual trend where junior associates are saddled with a heavy workload. Technological innovations

have played a role in reducing the workload of both male and female practitioners through the automation of traditional routine work (Croft, 2017). Some large firms like Linklaters in the UK are resorting to computer software that produces artificial intelligent programmes that can recognise and respond to human language to read text contracts for quicker and faster documentations in legal matters like Non-Disclosure Agreements (NDA). Engagement of this software can bypass the usual manual labour involved in perusing heaps of legal documents. Some critics believe that the adoption of technology within the legal profession poses more risk to both male and female practitioners than some of the structural and cultural problems of exclusion being focused on previously (Croft, 2017). Until many firms initiate the use of technology in daily legal tasks, scholarly arguments relating to the feminization of the lower categories of large law firms remains a source of concern to practitioners and scholars alike.

6.3.1.3 Misconceptions about networking culture in the large firms

Networking culture in large firms forms one of the controversial findings of the study. There seems to exist a misconception regarding how to best attain some of the competencies associated with promotion to partner positions. Many participants felt that they were inadequately supported by management to enable them to gain networking privileges. The management, represented by participating partners of the large firms, explained that firm-inspired networking is not as valued as self-induced positive networking. Many participants expressed a lack of knowledge regarding the concept of effective self-induced networking and the corresponding benefits of other forms of non-billable social engagements.

Many female participants viewed after-office meet-ups as the primary source of networking, but partners repudiated this. It was also identified that those who expressed disdain for such networking activities were either female or married practitioners. Young and single participants, on the other hand, expressed satisfaction with and preference for networking than spending long unbillable hours in their offices. Networking, as shown in Chapter 2, is a criterion for promotion to partner levels. Some

female participants felt alienated because they misconceived organising networking as the management's responsibility. Even though Sommerlad and Sanderson (1998), Feenan, Hand and Hough (2016), all allude to the lack of networking opportunities for female practitioners in large firms, there is little discussion in the literature to suggest the viability of self-induced networking rewards.

Excellent networking skills can lead to good client and revenue generation (Rose, 1999). Therefore, many female and male solicitors who depend on the management to necessitate such events are likely to weaken their career elevation potentials. Those who 'rainmake' through effective networking have the opportunity to be recognised and appreciated, thereby placing themselves in line for promotions.

Partnership in law firms involves the generation of revenue through good client relations. Female solicitors were found to contribute to their lack of display of active networking skills within their respective large firms. The findings indicate that self-initiated innovative networking skills were not being displayed by most of the female practitioners in order to attract new clients and subsequently attract the interest of management in their respective firms. Some of the female participants failed to display an awareness of the impact of social media which can limit the demands of traditional networking. Zimmerman (2011) suggested that lawyers ought to participate in social media because their clients do. According to him, social media has a profound impact on the lives of clients. He pointed out that although there might be risks due to the vibrant nature of social media, lawyers should take the risk backed by adequate risk assessment skills. Appropriate risk assessment includes understanding the impact of such communications during networking activities on social media. The SRA warns solicitors explicitly to be wary of offensive communication on social media which can amount to professional misconduct or lead to claims by aggrieved clients (SRA News Release, 2017).

6.3.1.4 Impact of long and billable hours culture on work-life balance and well-being of solicitors in large firms

The long working hours culture has been another favourite subject of debate among scholars ((Aulakh, Charlwood, Muzio, Tomlinson & Valizade, 2017; Ashley, 2010;

Bolton & Muzio, 2007; McGlynn, 2016; Sommerlad & Sanderson, 1998; Sanderson, 2016; Thornton, 2016; Thornton & Bagust, 2007; Wald, 2010; 2016; Webley & Duff, 2007).

The problems relating to long and billable hours featured within the empirical data obtained from participants also. Results from the studies indicate that it adversely affects the well-being of participants and also disrupts work-life balances. However, there emerged other underlying problems which if better understood by participants could have reduced the impact and instead created a better time management options for them. These have been duly discussed in this thesis to provide a nuanced perspective.

6.3.1.4.1 Lack of effective communication between management and practitioners in large firms.

The research revealed some structural problems regarding a lack of effective communication and knowledge management within large and medium firms thereby causing reasonable misconceptions about work-life within the profession.

Managing partners were found to be ineffective in the dissemination of essential guidelines and policy information about the long and billable hours requirement. An effective communication process and knowledge management model that could have assisted practitioners to redirect and refocus their career strategies were found lacking. For example, the fact that invaluable long hours in the office do not affect promotion prospects positively would have been a vital piece of information disseminated to all practitioners. King (2009) defined knowledge management (KM) as 'the planning, organising, motivating and controlling of people, processes and systems in the organisation to ensure that its knowledge-related assets are improved and effectively employed' (p.4). Knowledge-related assets such as printed documents, manuals, electronic repositories, or a 'best-practices' database that can improve practitioners' knowledge about best practices were not referred to as part of management's procedures and effort. Male and female participants were therefore not fully aware of the actual considerations for promotion as they affect them. For this

reason, participants' management of long and billable hours did not seem useful or have a positive impact on their ambitions towards the progression of their law careers.

6.3.1.4.2 Inadequate and purposeful use of technology to decreases the impact of long hours on well-being and work-life balance of solicitors in large firms

The finding that long and billable hours cause participants' stress, anxiety, poor well-being and discontentment was not limited to female participants. Collier (2013; 2015) and McGlynn (2002) identified the problem of the state of poor well-being among practitioners and argued against the effect of the 'business-case' model which puts pressure on practitioners perform highly in large firms. However, long hours in large firms may be necessary and difficult to evade considering international business engagements that involve different time zones (Ashley, 2010).

Given the diverse time zones in which such international firms conduct business, a suggestion of how such firms and practitioners should manage such requirements for long hours was pointed out within the literature by Wald (2010). Wald (2010) suggested the use of technology to augment high-volume, global work processes to resolve the issue of long hours within and outside the office and to foster better work-life balance and well-being for practitioners. While participants disclosed the use of free visual electronic media like WhatsApp, Skype, Facebook Messenger and Emails to communicate with their families while away from home, no finding was made regarding the effective use of technology to reduce long hours in the office. Participants saddled with home responsibilities and work pressures did not exhibit a penchant for the utilisation of technology that could have reduced the pressure as suggested by Wald (2010).

While the researcher agrees with the suggestion of Wald's (2010; 2016) McGlynn (2002) and Thornton (2016) argued otherwise. Both scholars viewed the use of technology as disadvantageous and exploitative because it blurs the line between work-life and home-life and provides an opportunity for large law firms to exploit practitioners 24/7. Many traditional and ABS large law firms in England are currently resorting to the use of technology due to changing client needs and demand for better value.

The structural switch to ABS has attracted innovative technological business strategies. Large alternative business structured large firms, like Linklaters LLP (Financial Times, 2017), Taylor Vinters, have joined forces with semi-external organisations to take advantage of new technology and improve service to clients (Chambers Student, 2017). The rise of new technology can minimise the long-hours culture as suggested by Wald (2010; 2016). It can also reduce the emotional stress caused by long hours, as stated by participants. However, the negative impact on the researcher's view does not dwell on the notion of McGlynn (2002) and Thornton (2016) as earlier stated. The researcher's concern leans towards possible job losses necessitated by more reliance technological innovations that can curtail the demand of human input.

6.3.1.4.3 Impact of external factors (Lack of family support) on poor well-being and work-life balance of solicitors in large firms

A significant career challenge faced by female solicitors outside the work context as found in this research is a lack of adequate family support. Some female participants recounted their personal experiences regarding this issue. PFS1 revealed the breakdown of her marriage due to her unusual behaviour at home caused by stress and anxiety from her legal work which was made worse by the lack of support from her spouse. Other female participants expressed that home responsibilities like childcare also affected them. Many scholars highlighted this phenomenon in the literature and blamed it on the long-hours culture instead (Webley & Duff, 2009; Sommerlad, 2016; Thornton, 2016). Little is known about the impact of family support as has been disclosed in this research.

While female participants expressed a lack of support from family members like their male spouses and partners, male participants stated otherwise. This research discovered that the majority of the married male participants commended their spouses and family members for taking charge of home life while they pursued their career interests. From the statement of PFS1 and other females, it could be deduced that such support is lacking. Support from family members including spouses has the potential to reduce the pressure of male and female practitioners. The impact of family

support or a lack of it will not only be felt with regards to childcare duties but also in understanding the physical and mental demands of the profession, especially in large firms. A lack of spousal support at home as exposed by the females can create an imbalance between work and home life and become a setback to female career aspirations and performances.

Partnership, as stated by Jarret-Kerr (2014), involves total commitment. Any form of internal or external distraction may negatively influence a practitioner's performances and also reduce chances of further career progression.

Brenner (2014) opined that external factors beyond the offices could influence advancement to partnership opportunities among female lawyers. She advocated for a shift in focus from the work context to other aspects beyond law firms when seeking solutions to the low representation of women at the partner level. Brenner's suggestion is considered useful because one of the findings of this research highlights a lack of family support as an external challenge female solicitors faces outside their respective firms. A lack of family support is an external factor that has hardly been considered in previous studies on female legal career progression.

The notion of males as breadwinners and women as home-makers continue to affect how female professionals are perceived (Price, 2006). The UK is considered a "male breadwinner/ female part-time carer' state" (Price, 2006; p.31). Price's assertion corresponds with the tenets of Social Constructionist Theory where social constructs determine the way individuals are treated (Elder-Vass,2014). Despite the improvement in female professional career engagements, the construct of men as breadwinners continues to limit female career advancements and pose challenges to them. In the earlier presentation of findings, the researcher indicated how participants expressed having ambitions. However, in the light of these challenges, it will be difficult for them to pursue and fulfil their ambitions.

6.3.1.4.4 Impact of the culture of silence on the well-being of solicitors in large firms

A culture of silence was found to be significantly present within large law firms and practised by male and female participants.

While they expressed dissatisfaction with the policies, structures and culture within their various firms, none of them disclosed making formal complaints to management. The female participants were more willing to discuss their issues. Male participants only agreed to discuss their discontent and personal issues due to the assurances by the researcher to maintain confidentiality and anonymity. Instead, they disclosed the impact such professional actions and policies have had on their state of well-being. None of the participants openly disclosed seeking help during this research process.

This finding corroborates Collier's (2015) report about the high incidences of depressive symptoms prevalent amongst lawyers in large law firms and law students. It further supports Collier's stance that male practitioners hardly reveal the impact of high-volume work on their psychological and emotional state. The notion of the masculine 'ideal worker' is being broken down to reveal that men suffer as much as women, yet they remain silent due to stereotyped constructs of being the stronger gender.

This revelation also aligns with the tenets of the Social Constructionist theory, where hegemonic constructions of masculinity and femininity within society and culture create gender roles and behaviours, prescribed as ideal or appropriate for individuals of the specific sex (Elder-Vass,2014). Further exploration into the gendered identities of lawyers is leading to better understandings of issues within the legal profession.

The observation that none of the participants disclosed seeking help during this research process questions the extent of awareness regarding available support services to tackle a state of poor well-being of practitioners. The Law Society in conjunction with other bodies has been supporting organisations to assist the affected practitioners through UK Law Care. A Law Society report of 2013 revealed that around 96% of solicitors suffered negative stress, with 19% at 'severe' or 'extreme' levels. This dropped to 86% as shown in the 2014 report. Law Care supports practitioners, but more awareness and changes in work policies could minimise such work-related stress incidences.

6.3.1.4.5 Gendered pay differentials in large Law firms

Unequal pay between male and female participants was discovered during the research. Some female participants explained that such pay differentials coupled with biased work cultures demotivated them and so sometimes affected their abilities to perform or exhibit commitment.

The finding that wages were being influenced by gender, irrespective of an individual's possession of human capital and professional experience contradicts The UK Equality Act, 2010 deals with the disparity in wage differentials by providing records of such wages.

The findings of unequal wages reiterate reports within the literature (Bolton and Muzio, 2007; Sommerlad, 2016; McGlynn, 2002; Webley & Duff, 2007). The recent annual report of gender pay- gaps revealed a consistent wage differential between male and female practitioners in England and Wales. Male practitioners in large firms continue to earn more than their female counterparts even when such job occupations remain the same (SRA Diversity data report, 14 February 2018).

The impact of Section 78 of the Equality Act 2010 is yet to be felt as the mandatory annual reports have only begun from April 2017. It is hoped that these annual reports will further prompt large firms to revise the wage gaps to reflect more equality.

The loophole created by Section 78(2)(a) which requires only firms with two hundred and fifty employees and above to render annual accounts of such pay structures may affect the effort of the government to an extent. This implies that law firms with a lower population (less than 250 employees) will not be obliged to disclose their wage structures.

6.4 Discussion of Impact of Culture in Medium-Sized Law Firms on Female Solicitors' Career Advancement.

In this section of the thesis, the researcher discusses the findings from the data concerning Research Question 2 with specific reference to medium firms. the research question was as stated below:

RQ2. To what extent do small, medium and large law firms' culture impact female solicitors' career advancements?

As stated earlier in section 6.2, there were some similarities between the research findings in large and medium-sized law firms. Even though a majority of scholarly works within the literature focused on large firms, it was observed that there were minimal differences in work culture between large and medium-sized firms. Participants from medium-sized firms expressed similar experiences, complaints and almost the same feelings and opinions as those from large firms. These have been discussed here.

6.4.2 Biased and purposeful case allocation culture in selected medium-sized firms

In the literature review, good case generation and case-working abilities were among those skills considered as strong criteria that influence the promotion to partner process (Jarrett-Kerr, 2014). Rose (1999) confirmed that engaging in a high level of case-work provides opportunities for aspirants to exhibit preparedness for taking on the responsibility of being a partner. A common factor found was that female solicitors, regardless of ethnicity or race, remained marginalised for one reason or the other. Previous literature highlighted the discrimination against female solicitors in most large firms (Sommerlad & Sanderson; Webley & Duff, 2007). The situation seems quite similar in medium-sized firms because while female participants reported a lack of 'good' case allocation that will exhibit their competences, other male participants complained about being laden with complex caseloads. All participating partners and HRD reported that female solicitors were not committed enough to be allocated urgent and distinct cases. The lack of a credible case allocation system resonated with the notion expounded in Eagly and Karau's (2002) Role Congruity Theory, where female professionals were stereotyped as being incapable compared to their male colleagues. McGlynn (2000), Sommerlad and Sanderson (1998) also highlighted this notion following their investigations of large law firms. This finding confirms that the female solicitors are negatively stereotyped across large and medium-sized firms.

Although HRD1 disclosed the improvement in performances of female solicitors, he still maintained that they could not be entirely relied on to effectively deal with such

cases. It is, therefore, a cause for concern that this trend has continued within firms despite the campaign by the SRA and Law Society to eradicate such biased assumptions.

This study found mixed outcomes because female solicitors emphasized their ability to perform while their male counterparts consistently expressed doubt about such female abilities. The reason for the assumptions about female competences is linked to their maternal responsibilities. Most of the participating female with children confirmed that parental responsibilities do not always affect their work and commitment. They claimed that they have and can always make adequate childcare arrangements. Additionally, the promotion to partner process was found to highly depend on case and revenue generation skills as enumerated in chapter 2 of this thesis. Thus, relegating female practitioners to an assumed state of unreliability and non-performance reduces their chances to a great extent.

This finding supports the arguments of McGlynn (2000), Sommerlad and Sanderson (1998) about human capital assumptions. While justifying the reason for the biased case allocation culture HRD1 said: *'We understand the intricacies of being wives and mothers. But we also recognise those who do it without many complaints'*. He further reiterated that most married female solicitors are unreliable and hence are often not given urgent and complex cases to hand. This finding echoes Hakim's (2000) Preference Theory about female preferences. But the research result disproved this about female solicitors. Majority of the female participants expressed a willingness to undertake such workload but have been hindered by negative stereotypes at the workplace (Webley & Duff, 2007).

McGlynn (2002), Sommerlad and Sanderson (1998) advocated for female gender identity in order to enable the differences between male and female genders to be more visible. By doing so, women can be recognised as 'females' with all the antecedent characteristics instead of having to assume male identities to survive work cultures and policies (Prescott & Bogg, 2013). McGlynn's (2002) notion is necessary because there exist biological differences between male and female practitioners (Lorber, 2005) and by acknowledging the differences, female solicitors will no longer be benchmarked against male practitioners. Alcoff (2006) emphasized that "the refusal to acknowledge the importance of the differences in our identities has led to distrust,

miscommunication and disunity” (p; 6). McGlynn’s argument that the differences currently remain blurred by an assumed ‘neutral’ gender identity was found useful in understanding behaviours within the firms researched.

From this standpoint, Hakim's Preference Theory becomes relevant, as she identified the different characteristics between male (homogenous) and female (heterogeneous) genders in her theory and based her conclusions on them, even though the finding in this study fail to correlate with her categorisation of women.

6.4.1 Positive and negative findings of the mentoring culture

Similar to the findings from participants in large law firms, some female participants in medium-sized firms stated the existence of weak and biased mentoring opportunities and believed that they were due to management policies and actions. Their assertions are synonymous with previous findings in the literature (Bolton & Muzio,2007; Sommerlad & Sanderson,1998; McGlynn,2000; Webley & Duff, 2007). However, male participants felt satisfied with the mentoring system. It is notable to state that there are more male senior practitioners and partners in almost every size and type of law firm in England. Thus, men find it easier to have good mentoring relationships with their male mentors. The lack of same-sex mentoring opportunities is disadvantageous to female solicitors. Some female participants felt that the lack of mentoring was owing to their racial background while male participants felt it was based on luck and unconscious biases which seem to favour male practitioners. The issue raised about favourable mentoring supports the view of Nalty (2016). Nalty labelled the unconscious bias that enables professionals to act favourably towards those of similar gender, affinity bias. Affinity Bias "is the tendency to gravitate toward and develop relationships with people who are more like ourselves and share similar interests and backgrounds. The concept of affinity bias leads people to invest more energy and resources in those who are in their affinity group while unintentionally leaving others out" (Nalty,2016; p. 46).

According to her, previous research studies identified unconscious bias as one of the hidden causes of the lack of diversity and inclusion within the legal profession (Nalty,2016). In her article aimed at confronting the problem within the legal

profession, she attributed the consistent bias against female practitioners to mostly unconscious biases born out of perceptions, stereotypes of those within the firms. She confirmed that even though overt discrimination does exist and contributes to this phenomenon, the unconscious bias experienced is often unintentional yet plays a significant role in exclusions within the legal profession. Nalty (2016) suggested that such implicit biases could be overcome through individual efforts to unlearn those stereotypes and perceptions held by managers and practitioners.

None of the participants from the large law firms disclosed efforts made by them to ensure receipt of appropriate and adequate mentoring. The situation appears similar to that found in large firms where many practitioners expect management to meet their demands. So, they do not make any effort to initiate action themselves. Notably, there were participants from diverse ethnic backgrounds, but only one participant (PFS13) mentioned exclusion based on race.

PFS8 referred to her female gender as the possible cause of bias in mentoring opportunities. While race, ethnicity and gender have been identified in the literature as underpinning discriminatory behaviours within law firms, the extent of bias in medium-sized firms is not as pronounced as found in large law firms.

6.4.3 Lack of innovative approach to networking in medium-sized firms

Findings from the three medium-sized law firms were similar to those found among large firms, as discussed above.

The participants identified a lack of innovative approaches to networking. While female participants expected management to arrange networking events and opportunities, the management believed that self-induced networking was more valuable than a firm induced one. It also revealed a lack of communication between management and practitioners within medium firms.

Attrition caused by ethnic-based biases (Feenan, Hand & Hough, 2016) impacted on male and female involvement in networking activities in the medium-sized firms too. Some minority ethnic participants admitted that they did not engage in such activities due to their non-billable nature.

The population of the three medium-sized firms depicts an almost corresponding number of practitioners from various ethnic groups, yet the issue of ethnic bias was found to exist in the firms. It was, however, not as pronounced as that in large firms. Practitioners often referred the researcher to verify issues relating to ethnic bias to their 'bosses' during the semi-structured interview session. As the researcher had no detailed demographic data regarding the ethnicity of all partners and employees within each firm, it was difficult to trace the actual source of the discrimination. This aspect is being viewed as a limitation of the research.

In the medium-sized firms, female solicitors also found it challenging to engage in networking activities and failed to appreciate the full benefits of positive individual networking. Participating partners from the three medium-sized firms certified networking activities as highly valued concerning promotion considerations.

It was observed that most of the participants showed little interest in exploiting technology for innovative professional networking activities. The lack of interest in technology for professional use may be due to the misconstrued belief that management is responsible for the generation of cases or arrangement of networking opportunities for them. The impact of the use of technology for networking purposes was discussed while considering the issue of large firms. The same outcome remains applicable to medium-sized firms.

6.4.4 Mixed findings on the Impact of the culture of long and billable hours on work-life balance and well-being of solicitors

Long and billable hours were not found to be a significant problem across the three medium-sized firms. Participants explained that long and billable hours depended on the area of specialisation.

Unlike large firms, medium-sized firms are not as engaged in hyper-commercialised and competitive corporate areas of legal practice. Medium-sized firms do not operate on a broad geographic sphere as large firms. Therefore, the issue of long hours to cope with differences in geographic time zones was not as paramount as found in

large firms. Only those in international legal departments recalled experiencing long hours and these were mostly male participants.

As in large firms, it was also disclosed by a participating partner that female solicitors shy away from demanding areas such as corporate law, maritime, shipping law, oil and gas law. (Foudzer,2014). In every law firm, revenue is vital for its survival. It is therefore unsurprising to have male practitioners who practice in those areas yielding more revenue, earning more and being promoted to partner levels more than females. The choice of practice area, according to the participating partners, is voluntary. This revelation is at odds with the claims by Bolton and Muzio (2007), McGlynn (2002; 2016) and Sanderson (2016) that large firms intentionally place female practitioners at areas with low wages. Some participants hinted that such fewer challenging areas are more accessible to access than the 'masculine areas' that attract male practitioners.

Male participants who are duty officers disclosed that the requirement to travel as part of their chosen areas of practice lead to fatigue from long journeys to visit clients locally and nationally. Episodes and impact of regular international travels were not observed as much as from those in large firms. Retraining practitioners in innovative areas have not featured much as part of the business initiatives, even though the Law Society also emphasises the need for such career development training within firms.

6.4.5 Pay differentials in medium-sized law firms

It is a fact that large law firms pay more wages than medium and small firms due to the volume of work and financial capacity involved (UK Financial Times 2017). This research found that in one of the medium-sized firms unequal pay owing to ethnic membership exists. PMS13, a black British senior solicitor with five years PQE from one of the medium-sized firms, reported that he was paid less than his white colleagues at the point of entry but only realised it after two years. It supports the claims in the literature about social capital being a factor in discriminatory work practices within the profession (Ashley,2017; Ashley & Empson, 2013). Diversity reports from the Solicitors Regulation Authority confirmed that many corporate law

firms have the lowest proportion of state-educated solicitors at 56% (SRA Diversity Report 2018).

It also reported that three-quarters of solicitors in firms undertaking mainly criminal and litigation work are state-educated (77 and 76% respectively) compared to just over half in corporate firms (56%). As found by Ashley (2017), Ashley and Empson (2013), many practitioners from BAME network are products of state education who are also mostly found in lower paying practice areas and non-corporate firms. This report, in essence, confirms that many of the BAME practitioners regardless of gender will be earning less.

The UK Equality Act, 2010, provides for equal remuneration for equal work for male and female employees. Many firms keep their remuneration rates secret hence, practitioners are unaware of the actual wage gaps. Section 77 of the UK Equality Act renders secrecy clauses in employment contracts unenforceable so that employees can clarify the earnings of their fellow comparators in similar positions (Please see Appendix 7 for the provision of Section 78 of the Equality Act, 2010).

This situation is still distinct from large firms, where gendered-pay differentials occur for both males and females even when in similar practice areas, as highlighted by Dinovitzer, Reichman and Sterling (2009) and later by Dinovitzer again in 2011. The culture of silence as perceived all through the research often militates against such practices since many will not speak up and take advantage of the provisions of the Act.

6.4.6 Culture of silence in medium-sized law firms and its impact on promotion prospects of female solicitors

Empirical data regarding a culture of silence also emerged from those collated from participants in the three medium-sized law firms. This behaviour was also found highly predominant among participants from the two large firms investigated. Participants feared to lose their current employment or being victimised more than they currently were and hence, preferred to remain silent. The difficulty in finding employment after law school and the training period often leads participants to believe that they could

not take chances. Participants in the three medium-sized firms revealed that they have continued to suffer in silence despite the unequal pay rates to avoid being victimized for being assertive (Flynn, Heath & Holt, 2011; Wald, 2016).

Some of the female participants explained that low wages with a balanced work and home life were preferable to high wages and a chaotic lifestyle. Others admitted that low pay indicates lower interest and so lower prospects of success within the firm. It can be concluded from this that female solicitors are faced with serious challenges that could impede their advancement to partner roles and explains their current low representation at this level.

6.4.7 Fear of victimization about Sexuality promotes Culture of Silence

The Solicitors Regulation Authority has been in the forefront to encourage firms to include instead of excluding practitioners who belong to LGBT. Despite the initiatives, a practitioner like PMS16 does not feel confident enough to be who he indeed is. PMS16 revealed that he has remained silent about his sexuality. PMS16 is gay but was afraid to express himself or engage in important networking activities due to suspected homophobic reactions from colleagues. It took a second face- to- face semi-structured interview with the researcher for him to discuss his sexuality with the researcher.

The lack of awareness and subsequent discrimination and exclusion of those with other sexual preferences were highlighted by Moran (2013). In his study to understand the challenges that limit career opportunities in the UK judiciary, it was revealed that sexual preferences of LGBT did not feature within the list of diversity categories. There was an absence of sexual orientation data which could have enabled any prospective applicants to express their sexuality. There is an improvement in the inclusion of LGBT members due to the diversity initiatives by the SRA and other supporting groups (InterLaw Diversity Forum, Stonewall).

In this research, PMS16 confirmed that his employers are not aware of his sexuality. The silence of PMS16 also echoes the opinion of Collier (2015) about men's unspoken issues and the need to include them in the equality debate. According to Collier (2015), many male professionals may be suffering in silence over individual professional

6.5 Discussion on the Impact of Culture on Female Career Advancement in Small Law Firms

This discussion draws inferences from the findings of the empirical qualitative data obtained through conducting a semi-structured interview with partners and a sole practitioner as analysed using inductive thematic analysis. This section also discusses the findings concerning RQ2 with a specific focus on small firms.

Research Question 2 asked: To what extent do small, medium and large law firms' culture impact female solicitors' career advancements?

The Law Society-sponsored Mapping Survey (2017) reported that small firms employ about 9% of BAME population and also some white females in law firms in the UK. The same report found that many small firms employ 100% BAME members (Aulakh, Charlwood, Muzio, Tomlinson & Valizade, 2017). The trend was confirmed during the research as all participants recruited happened to be members of BAME. There was no intention to recruit only BAME members, but those who agreed to participate presented this demographic.

Even though partner and sole practitioners attempted to justify the recruitment of mostly BAME members, it points to the fact that female solicitors, who usually find it challenging to enter law firms, will still be affected by this selective recruitment. This can also affect the low number of female solicitors at the top because females of white origin who are also unable to enter large- or medium-sized law firms will be marginalised. Aulakh, Charlwood, Muzio, Tomlinson & Valizade (2017) found that BAME members and white females are least likely to attain partner positions in law firms in the UK. Recent statistics reveal that white European females are represented better than BAME females at the partner level (Aulakh, Charlwood, Muzio, Tomlinson & Valizade (2017). The joint study of Ashley and Empson (2013) indicated that social segregation continues to take place among large firms in the UK. The fact also remains that discrimination based on social or cultural capital is not limited to race, gender or ethnicity.

In Chapter 5 of this thesis, results obtained from the thematically analysed empirical data from large and medium-sized law firms showed that the culture in small firms

significantly differs from those in large and medium-sized firms. Therefore, its impact on the advancement of a female solicitor may differ significantly.

6.5.1 The notion of ‘family’: Proximity to management, team spirit in small firms

The findings that emerged from the culture within small law firms disclosed a notion of teamwork akin to a family. Unlike large and medium firms, participants expressed satisfaction regarding the close-proximity culture with the management and the relaxed work environment. This finding is in contrast to the hyper-competitive commercialised environment found within large and some medium-sized firms. The size of the small firm is advantageous in this regard.

Ram and Holiday (1993) state that small firms are saturated with the ideology of the family but warn that beneath it lies exploitative practices. None of the views of Ram and Holiday (1993) was observed among the two small firms studied. The familial structure did not encourage participants to commit long term. Participants discussed their ambition to join bigger firms or establish their firms as sole practitioners instead of looking to progress in medium or large firms.

The lack of enthusiasm supports the findings of Aulakh, Charlwood, Muzio, Tomlinson and Valizade (2017) that the statistics of BAME practitioners in the UK as those occupying top positions is boosted by sole practitioners who are not partners but own and lead their law firms. Hence, small firms are deemed to be entry points for some aspiring practitioners.

The evidence of participants about the existence of team spirit and teamwork creates an opportunity for close mentoring and professional development of practitioners.

6.5.2 Direct mentoring scheme

Mentoring within a profession improves human capital and encourages career growth. The difference in mentoring between large, medium and small firms stems from the selective, sometimes biased, schemes. While mentoring in medium and large firms are sometimes limited due to gender and ethnic biases. Small firms enjoy a close day-

to-day contact and mentoring opportunities. This is a professional boost for participants who hope to improve their expertise and competence.

6.5.3 Absence of pressure on networking in small firms

It was not surprising that participants disclosed that they do not experience the amount of pressure to engage in networking activities as much as were found among those practising in medium and law firms.

Many small firms operate on a small scale and the areas of practice are also fewer. Many small law firms like the two within the research sample engage in private client practices with the benefit of having a direct interface with clients. These often rely on a chain of referrals from previous clients and a commission-based system that create incentives for those willing to take up the challenge. SOLE, who is the only non-partnered owner of one of the small firms that participated in the research, confirmed this when he said:

"There's really no need to scout for clients. Your good work speaks for itself. And our network is quite impressive. Both church and community networks. Also, the reasonable fees with some option to pay legal fees by instalments get clients to us. No pressure on associates to do so but one who does benefits from it".

Reasonable input is still required to advance further. Evidence of good practice becomes a prerequisite when career changes become imminent and support this aspect of the promotion criteria enumerated earlier in the thesis.

6.5.4 Flexible case allocation culture in small firms and its impact on female career advancement in small law firms

The flexible case allocation culture prevails in small firms as found from the data. While this may be a source of comfort for practitioners seeking work-life balance, it may also reduce the chances of progress for those who are not interested. PFS22 and PFS23 are part-time mothers who expressed satisfaction about the lack of pressure. PFS23 said:

"I'm happy here. As a mother of 3, I can choose my hours. I can also work from home. I am an advocate so, I travel to different courts and tribunals. I get paid

for work done and I still have my time for my young family. I've had three kids and still can work here".

It was presented earlier on that partners in large and medium firms emphasized that part-time work not hinder promotion prospects. In that small firm, part-time practitioners expressed feeling comfortable.

The tenets of the Preference Theory apply to this female given her statement about working part-time and still being able to balance her home- life. It might also be questionable to an extent to categorize PFS23 as an 'Adaptive woman' as described by Hakim (2000). Hakim had categorized 60% of women as belonging to the 'Adaptive category as they swing in between work and home. However, PFS3 did not indicate leaving her work sometimes as those in the Hakim's 'Adaptive' category. She presented a continuous work pattern but predicated on a part-time pattern.

PFS23 expressed satisfaction with the situation. PFS 23's explanation points to a voluntary option to find a balance between her home and work. Based on this premise, it is the researcher's opinion that the views of McRae (2003) and Leahy and Donoghue (2014) are not sustainable in small firms. Many women would be ready to face challenges but are not given the opportunity at all. Therefore, it is a two-pronged situation.

Additionally, the impact of minimal support from outside the workplace (family support) was identified in the case of PFS23 who has three children yet willing to work harder. Due to a lack of support outside the workplace, she has compromised her career advancement prospects for a balanced work and home life. Her situation mirrors the plight of some working female solicitors. Male participants indicated that having enough time to take up the long hours and complex cases have the propensity to bring them into focus during promotion considerations instead of their female colleagues. These are some of the issues gender scholars have tried to highlight in the equality discourse. McGlynn's (2000; 2002) argument regarding identifying specific masculine and feminine genders trajectories instead of a 'neutral' gender seems worth considering in this light. It is the researcher's opinion that bearing in mind the criteria for partner positions; an aspiring female practitioner must be expected to compete favourably to place herself in line for the promotion. Following this finding, the challenges female solicitors face remains prevalent in small firms and thus, is capable of leaving the statistics as low as they are currently.

6.5.5 Prevalence of low wages in small law firms

Working in a small law firm transcends the need for high wages. Most participants viewed working in a small firm as a stepping stone to more significant opportunities. Hence, the low wage is not a deterrent and is not biased against gender, ethnic, or racial lines. Many participants, especially those working part-time, did not show any disdain over their lower wages as long as they enjoyed a balanced home-work life. This finding aligns with Bolton and Muzio's (2007) argument that work policies within the profession lead to many part-time women employees to accept lower wages. The fear of long hours in medium and large firms cause female solicitors to believe that low wages are appropriate

Fixed-fee culture practised by most small law firms implies that more work is required to generate funds. However, when female participants make no effort, in times of promotion, they will not stand a chance to be considered for promotions. Despite this, the some of the female participants disclosed their preferences for the lower wages with a better state of well-being and balanced work-life experiences in small firms. By this revelation, it was concluded that female participants in small firms contribute to the gap between male and female solicitors at the partner level through their actions.

6.5.6 Well-being of participants within small firms

It was not surprising to find that most participants enjoyed a sense of well-being due to the flexible nature of work and the family-oriented culture. A few male participants mentioned being pressured to generate more work to improve their commission-based remunerations. They, however, stated that they were not under pressure but undertook such caseloads voluntarily. Thus, it can be concluded that the well-being of solicitors in small firms is better than that in large and medium law firms. However, the prospect of advancing to the partner level or top level in small firms is minimal, except where the individual opts out to join another firm with partnership structure or establishes a sole practice and becomes the leader. Small firms like sole practices can also change their structure to partnerships by appointing a new partner, but this seldom occurs as stated by the participants.

6.6 Discussion of the Promotion Process in the Two Selected Large Firms

In this discussion, the researcher drew inferences from the findings in Chapter 4 and aligned them with the facts, opinions and suggestions found in the literature reviewed.

Research Question 3 sought to explore the promotion process across different law firms in England and to understand how it impacts female advancement to the partner level. The question is reproduced below for ease of reference.

RQ3. How is the promotion to partner process in small, medium and large law firms determined and implemented in England and how can it be improved?

In Chapter 2, the criteria for promotion to partner level within law firms were presented in detail. According to Brigid North, a partner at a large law firm (Reed Smith LLP), 'there's no one-size-fits-all formula' to getting promoted' (The Lawyer, 2017). While Brigid's notion is understandable, the research was able to identify issues which affect such promotions that could lead to partner level as revealed by the participants of the research.

6.6.1 Lack of a specific promotion model

None of the seven law firms investigated had a laid-down promotion-to-partner model that could be examined by the researcher. Rose (1999) and Jarrett-Kerr (2014) confirmed that it was usual not to have a laid-down model. A significant observation in this study is that there is no direct discrimination concerning promotion to partner levels in large firms, but there is a lack of equal opportunities in work processes that are relevant to such advancements. The hidden elements of indirect discrimination were found to persist in unconscious biases that are yet to be dealt with by the firms. Without a specific model of promotion processes, aspirants may find it onerous to get it right.

6.6.2 Timeframe for promotion unfavourable to women

The promotion process is cumulative and culminates in the elevation of practitioners. There is also no specific post-qualification period when aspirants must be appointed

as partners. It is a natural expectation that aspirants begin to receive hints regarding possible partner tracks from about six and ten years of the post-qualification period, depending on the firm's structure. Spurr and Sueyoshi (1993) suggested that owing to the high volume of cases handled by larger law firms, an incorrectly promoted partner is cost intensive and risky. Thus, larger law firms gather more information and take longer to determine promotion-to-partner decisions than smaller law firms. The long promotion process is disadvantageous to a majority of female solicitors.

The average age of a newly qualified solicitor at entry is 29.7 years for women and 29.2 years for men (Law Society Report, 2017). Women are expected to demonstrate their best performance at around six to eight years PQE, which often coincides with when they start marital relationships or families. The situation is different for men, who at this point begin to be more focused in life, most importantly, their careers. The age at which a man begins to think about a family is an incentive to work hard because of the need to fulfil the 'breadwinner' status. Marital involvements do not affect men's ambitions but further inspires them to fulfil their patriarchal roles and social constructs.

The opposite seems to occur among females. Marital involvements do affect some as found in the survey. Female spouses are expected to maintain the home while simultaneously engaging in work if she wishes. Hence, changes in marital status do not affect male and female practitioners on a similar level. The careers of women are more affected by marriage, therefore, justifies McGlynn's (2000) call for a multi-gender identity within the profession. The recognition of a multi-gender identity will diffuse the imbalance in career advancements between male and female practitioners. If each gender is duly identified, work processes can be tailored to suit the differences regarding gender responsibilities and obligations. The ability to deal with such challenges is determined by the support they receive at work and home.

Section 39(5) of the Equality Act, 2010 makes it a requirement for employers to make reasonable adjustments for their employees to enjoy equal opportunities at the workplace. The SRA Code (2011) also requires law firms to prevent discriminatory acts that would render employees unable to enjoy equal opportunities within the legal profession.

6.6.3 Current popular promotion processes in large firms

The implementation of the promotion process is highly unclear due to the absence of written strategies and policies. Participating partners were able to provide determinants for promotion but did not disclose exactly how it is implemented, as there is no uniform method.

The research findings show that most promotions are initiated by managing partners who have day-to-day management responsibilities and hence, can assess prospective practitioners. The managing partner or a senior mentor makes recommendations to the promotion committee or board of partners for consideration. Participating partners clarified that promotion is a by-product of work ethics and performance cumulatively. Thus, it is not a textbook process. The statement of the partners explains why many firms do not have a written process but are guided by the criteria for consideration.

The participating partner from firm 'F' clarified that flexible work in the large international firm does not impede promotional prospects as much as it is made out to be. The quality of work and some skills and abilities as identified in the criteria coupled with high revenue yields often determine partnership opportunities. A partner from the global law firm 'G' revealed that part-time work affected global business and hence can subsequently affect promotion considerations. Precisely, that can become a source of conflict, as practitioners may not know exactly how to place themselves in line for promotions to the top echelon. The lack of knowledge of a clear, comprehensive yet dynamic, promotion model that aligns with the changing business environment has the potential to place aspirants in disadvantaged stead. Some female participants believed that flexible work limited their chances, which affected how they structured their career advancement plans. The researcher believes that female participants were not adequately assertive to know exactly what their career opportunities entailed, as concluded by Flynn, Heath and Holt (2011) and Tomlinson, Muzio, Sommerlad, Webley and Duff (2010).

Furthermore, unlike male practitioners, females did not seem to take enough risks as argued by Singh, Terjesen and Vinnicombe (2008) in the literature. Many male practitioners are not as risk averse as females and take bold steps by leaving law firms that do not favour them concerning their career boosts. Male solicitors take more advantage of lateral appointments than females.

Unspecified or unwritten promotion criteria is amenable to lapses. The Solicitors Regulation Authority does not publish promotion guidelines but leaves it at the behest of firms. The lack of rules for promotion to partner positions is understandable because many firms have distinct practice structures and concepts. Market conditions or several other factors can determine promotions in law firms. Sommerlad (2016) and McGlynn (2000; 2002) believe that part-time work reduces the promotion prospects due to the perception held by many about the possibility of less commitment by female practitioners. With better promotion models in place, both male and female solicitors will strive to meet such guidelines more.

Participating partners stated that the promotion processes are fair and unbiased, while the participants felt otherwise. The knowledge gap between management and practitioners accounts for these dissenting notions. Large firms are profit-oriented and rely on high-revenue yields to achieve profit. In the face of misunderstandings regarding innovative and proactive work culture between management and practitioners, opportunities that could have enhanced chances of promotions are missed.

For instance, participating partners explained that the area of specialisation dramatically impacts a practitioner's promotion prospects. The significance of a choice of area of specialization is hardly emphasized to alert aspiring practitioners. The lapse in knowledge sharing which reduces the chances of many practitioners was discussed in 'The Lawyer' (2016), a London-based legal news journal, that those who engage in practice areas like dispute resolution, litigation, banking and corporate finance have a higher opportunity to attain partner positions. These practice areas are often occupied by male solicitors (Fouzder, 2014) and those from white European origins (Law Society ASR, 2017).

The Law Society Annual Statistical Review of 2017 confirmed the differences in the proportion and type of legal work by BAME lawyers in firms. According to the report, firms that mainly undertake criminal work constitute 33% of BAME practitioners while 37% of the same ethnic group undertake private client work. The Report further confirmed that firms doing a mixed range of work and mainly corporate work both have the lowest proportion of BAME lawyers at 12% and 19% respectively (Law Society

ASR, 2017). These work are the areas that attract more promotion to partnership outcomes due to the volume and calibre of work undertaken.

Many female solicitors opt for less demanding practice areas dealing with private clients, which lowers their propensity for high revenue earnings and promotions.

It is also a generally held notion among scholars that part-time work leads to a perception of non-commitment and prejudice (Bolton & Muzio, 2007; 2008; Sommerlad, 2016; Sommerlad & Sanderson, 1998; Webley & Duff).

It seems that this position is changing. The promotion process is not a one-off process. In some firms, the rise through the firm's hierarchy, in preparation for partner tracks, begins in the second or third year of entry while in others, it starts from the fifth year. Thus, male and female aspirants are expected to exhibit their professional and individual qualities and competencies early in their careers tracks. With a high level of misconception and lack of knowledge within the firms coupled with the prevalence of assumed biases, women practitioners become laden with various types of difficult challenges. The result is that attrition sets in and those who cannot face the challenges opt -out.

6.6.4 Impact of Alternative Business Structures (ABS) on female partner appointments

The emergence of ABS firms due to the enactment of the Legal Services Act, 2007 (LSA), has added more burden on the traditional partnership tracks. As explained in Chapter 1 of this thesis, prospective financial investors can become partners faster than traditional lawyers. Non-lawyer investors who are cleared by the Law Society as being fit and proper to enter into partnerships can become equity partners with the right to share the firm's dividends. This step is dissimilar to traditional law firms, where aspirants undergo years of competent professional legal engagements and mentoring to exhibit their best qualities as potential partners before being appointed as salaried or equity partners. In the case of ABS firms, financial capacity to a large extent determines who is appointed a partner. In effect, the trend is likely to affect promotion prospects for both male and female legal practitioners.

6.7 Discussion on the promotion process in selected medium-sized firms

Significant similarities between medium and large firms have been found in this research. Medium-sized firms also do not have recorded promotion models or manuals. Manuals seen in two of the firms were concerning work processes, majorly detailing client-care needs, equality and diversity principles and complaint handling procedures. Promotions carried out by partners are guided by similar criteria as stated in Chapter 1 of this thesis and depends on the prevailing business environment at the time.

From the findings presented in chapter 5, it can be inferred that the implementation of the promotion process is dynamic and dictated by the business development strategies and goals of the firm from time to time, even though promotions seldom occur. Similar to large law firms, promotion to partner levels in medium-sized firms requires the same qualities (professional competence, dedication, resilience, good business development/case origination and focus, self-reliance, teamwork, ability to work under stress). Career opt-outs are not overtly recommended or given as options, but senior practitioners are left stagnated until they leave the firm on their own volition.

Stagnation of female and male solicitors was observed more within medium-sized firms. Promotions are decided by serving partners based on the practitioner's outstanding work history and often upon recommendations of a managing partner or senior mentor.

In two of the medium-sized firms, four senior participants with five to eight years PQE who were found to undertake duties and roles akin to that of partners felt stagnated. Two participating partners claimed the lack of vacant positions to be the reason behind the stagnation.

Female solicitors continue to miss out on such partnership opportunities (Sommerlad, 2016) and have contributed to their predicament by failing to change the management culture through complaints overtly. Singh, Terjesen and Vinnicombe (2008) refer to the issue of risk averseness by female professionals as the cause of their slow promotion prospects. They claim that despite other challenges serving as career barriers, female professionals prefer to avoid taking huge risks

The observation which relates to risk averseness is the case concerning four senior participants who have decided to remain within their firms despite the overt signs that their ambition of attaining partnership roles is doubtful. None has attempted achieving their career goals by attempting lateral appointments as partners.

Knowledge acquired from the literature on law firms during the review highlighted the fact that partners can be appointed laterally (by direct appointment from another law firm). This type of career-boosting lateral career moves does not seem to appeal many to women. Otherwise, some of the senior females found stagnated in their firms could have moved to other law firms as partners. From the findings, the researcher concludes that it takes medium-sized firms longer time to appoint salaried partners, but the situation is different with non-lawyer equity partners who join ABS firms with their financial investments.

From the findings, it could be seen that good inter-firm relationships, especially those between mentors and mentees, remain very vital and influence the recognition of an aspirant's advancement. Those who are alienated, and lack adequate mentoring miss out on opportunities to learn on the job to acquire the much-needed experience and expertise but also for possible recognition. Many female participants complained about the lack of mentoring as compared to a few male participants, which corresponds to the contentions within the literature; but most of those in the literature were in the context of large law firms (Bolton & Muzio, 2007; Sommerlad, 2016).

There is a concern associated with the mentoring issue due to the distinct characteristics of the three large law firms. Table 3.1 shows the percentage of BAME and white Caucasian presence within the firms which is unlike large law firms that have a white majority. This discovery of the lack of mentoring opportunities among these three firms implies that the work relationship and cooperation is not only due to race or ethnicity but also gender. More female participants (BAME and white) complained of having a poor relationship with mentors. Therefore, the views of previous scholars in the literature about gendered and biased professional support in large law firms apply to medium-sized firms (Bolton & Muzio, 2007; 2008; Muzio & Tomlinson, 2012; Sommerlad & Sanderson, 1998; Ward, Moran & Winterfeldt, 2012).

As found among large firms, the area of expertise also determines how fast an aspirant gets promoted within the firms. The three medium-sized firms engaged in almost identical practice areas but not on the same full or global scale. Despite this, areas like corporate law, litigation, banking and finance, attract better pay and support from the management.

From the promotion criteria detailed in Chapter 2, client relationship and excellent people skills coupled with positive outcomes are endearing factors and sources of recognition.

Initiatives intended to address these phenomena, such as diversity and inclusion policies like the business-case, have been criticised for failing to address the structural and deeply embedded cultural conditions that sustain the problems that they were ostensibly intended to address (McGlynn, 2002).

Taking the above into consideration, it can be concluded that female solicitors in medium-sized law firms have similarly poor prospects of career advancement as in large firms.

6.8 The Promotion Process in Small Firms

The culture and structure of small firms are significantly different from medium and large law firms. As mentioned in the preceding Chapter, small firms constitute a significant point of entry for BAME and other minorities, including female solicitors. Promotions do not occur frequently. Practitioners were found to be rewarded through increases in remunerations rather than immediate promotions. The reason adduced was that promotions that lead to an immediate expansion of the firms are not regular. The owner/s usually continue to lead as partners or sole practitioners until retirement or death occurs, hence, some practitioners opt-out eventually.

Family successions are more likely to occur than the promotion of non-family practitioners to partner levels. Despite an infrequent promotion to partner record, when such promotions are considered, practitioners with a history of high-revenue yields are

likely to be considered first. As found in the data, those who engage in commission-based contracts are mostly male. Therefore, they stand to benefit before others. The situation further strengthens the opportunities for male solicitors to become partners in small firms eventually. Most of the participants felt they had no future stake in the firms. Brodherson, McGee and Pires dos Reis (2017) in their unique study on lawyers and the reason for fewer female equity partners in North America, found the creation of a stake -holding mindset encouraged longevity and impressed to remain longer.

Results that most participants from small firms aspire to establish their firms arose from a fear of rejection by bigger firms. The Ethnic Minority Lawyers Division (EMLD) collaborates with BAME solicitors to share knowledge on compliance and career advancement strategies, but these do not seem to have a significant impact on the how members of BAME perceive their professional opportunities.

Female participants who disclosed that they are benefitting from a balanced work and home -life did not exhibit any concern regarding the lack of immediate promotion. They claimed that the flexible work pattern, for the time being, was more important. The notion also supports the argument of Leahy and Donoghue (2014) and Sommerlad (2016) that women do not merely opt out due to their preferences but do so in the face of pressure and unbearable challenges.

Findings from the research indicate that practitioners view many small firms as the first step unto their career ladders. BAME male and female participants commonly expressed these beliefs.

Thirdly, the situation of PMS16 exhibits a fear of homophobia within the firm. The participant was unaware if there were policies to protect minorities like members of the LGBT in the law firm. The SRA will certify this as a serious issue based on the fact that all law firms are mandated to provide equality and diversity manual which are accessible to all staff.

CHAPTER 7

CONCLUSION: RESEARCH OVERVIEW, RECOMMENDED STRATEGIES, MEASURES AND INITIATIVES

7.0 Introduction

This chapter concludes with an overview of the thesis. It also recaps the findings concerning the three research questions. The chapter presents the recommendations made by the researcher based on the outcome of the study. The research limitations are also stated including suggestions for future areas of research.

7.1 Research Purpose

The purpose of the study was to explore the career advancement of female solicitors in England, with a focus on the promotion process that leads to partner levels across small, medium and large private law firms. The study also investigated the challenges women face and opportunities which elude them within their chosen legal career. The aim is to understand the factors within the promotion process which impact on female career advancement through the hierarchy and up to partner levels in all law firms in England.

The researcher concurs with the assertion of Wittenberg-Cox (2014) that private law firms in England regardless of their size and composition, should tap into the talent pool of women to connect fully with both male and female legal practitioners for more effective business orientation and individual expertise. According to her, a diverse workforce will not only enhance the framework for law firms but also create a legacy for the profession and raise social accountability.

7.1.1 Prevailing circumstances, research aim and goal

Female practitioners remain under-represented at the top echelons of the law profession despite several equality and diversity policy reforms and initiatives to

improve the situation. As of 2017, the number of male partners totalled 19,884 against 8,241 for females (Law Society Annual Statistics Reports, 2017).

The qualitative research aimed to address the issue including aspects which previous studies have not considered. Secondly, the research was to understand the factors within the promotion process which might negatively impact female career advancement through the hierarchy and up to partner levels in all law firms in England. Using research questions which were designed following a detailed review of the literature, the research was undertaken to provide answers that addressed those questions.

The goal of this research was to use the outcome to proffer solutions that will change the current inequality in the number of male and female partners at the top level of law firms.

7.1.2 Types and structure of law firms in England

Different types of law firms (small, medium and large) comprising the sample group were examined to achieve the research aim. In England and Wales, there are currently 1014 registered law firms (SRA Report 2018), but an aggregation of different types of firms was necessary to understand the different characteristics of these firms. Consequently, traditional law firms, Limited Liability Partnership (LLP) and those with Alternative Business Structures (ABS) were duly explained while the sample for the research represented the different types of firms. The research focus was on private law firms and therefore only private firms were examined in the research.

Concerning the structure of firms in England, the introduction of ABS by the Legal Services Act, 2009, which enabled business cooperation between non-lawyers and lawyers was discussed. This development altered the business structure and culture of such firms to an extent. It allowed the appointment of non-lawyer investors as equity partners, thus transforming the structure of those traditional law firms that adopted the new structure. Therefore, the impact of direct partner appointment and its effect on traditional partnership tracks was highlighted in the thesis. Some of those highlighted included the limiting effect on internal partner opportunities due to increased waiting time by those aspiring to be appointed as partners. The resulting discontent this causes among such aspiring solicitors was also highlighted. Law Society's Statistical

Report (2017) provides the average age when male and female practitioners enter into the legal profession. The was stated as 29.7years for men and 29.2 years for women. Also, the period of advancement to partner positions usually peaks between 7 to 10 years PQE, and this coincides with the onset of other maternal and personal responsibilities such as marriage for both genders and child rearing for women. Several scholars pointed out that the delay in promotion affects women more than men because women shortly after some years, find themselves being engaged in other personal developments as childbirth and care (Sommerlad & Sanderson, 1998; McGlynn, 2000) which pose a more significant challenge to them (Webley & Duff, 2009 and sometimes leading to imbalances between work and home -lives and subsequent opt-outs.

7.1.3 The role of Partners in private law firms

This research also examined the roles of different cadres of partners to gain a deeper insight into the duties and responsibilities of partners. Julian Summer Hayes, a UK-based legal consultant, partner/chief executive officer at Boyce Hatton Solicitors, Devon and a life coach, said, "Partnership is the Holy Grail of legal practice" (2016; p.2). The researcher, therefore, described these roles in detail to acquaint the reader with the role of the different category of partners in law firms.

7.1.4 Promotion criteria for a partner position

The thesis continued with a close and detailed examination of the criteria for promotion to a partner position, which is one of the significant aspects of the research. Except for lateral partner appointments, these criteria serve as a guideline for many law firms since there exists a lack of an established promotion model for firms. The criteria include several competent abilities and characteristics, hinging on good casework and client generation, leading to increased revenue generation, the ability to lead the firm with appropriate mentoring and networking abilities. The criteria were reviewed in detail because they enabled the researcher to understand the qualities required for the appointments of partners by the different types of law firms. A detailed review also

threw more light on how such qualities are developed or supported in order to enable aspiring practitioners to grow in the midst of an unsatisfactory history of diversity and inclusion within the profession.

7.1.5 Diversity and Inclusion initiatives

The need for diversity and inclusion within the legal profession in England has greatly attracted the attention of both scholars and practitioners in the past two to three decades. Exclusions and relative inequalities which are based on gender, race, ethnicity, sexual preference, disability and religion remain one of the areas of focus in the profession.

A review of the equality and diversity initiatives at the international level was undertaken in the light of the international laws and enactments which seek to protect the rights of women. The relevant provisions of the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) CEDAW also known as "The international bill of rights for women" (Byrne & Freeman, 2011, p. 2) were examined for more insight into the rights of women. The UK government who are signatories to the 1981 Charter and subsequently promulgated the Equality Act, 2010 in compliance with Article 2 of CEDAW, 1981. Article 2 of CEDAW, 1981 required each signatory to enact anti-discriminatory rules against women within their specific nations. The provision of the UK Equality Act 2010 exhibits the consistent attempt by the UK Government at eradicating discrimination, exclusions and inequalities within all spheres including the workplace within the country.

The Solicitors Regulation Authority (SRA) that regulates all registered law firms and solicitors on the roll in England and Wales has also relentlessly engaged in acts and strategies that seek to eliminate all forms of discriminations within the profession. For this reason, the diversity and inclusion laws and initiatives of the SRA as it affects law firms were considered.

Chapter 2 of the Solicitors Code of Conduct, 2011 (SRA Code, 2011, Vol.19) contains mandatory provisions with a focus on how law firms and solicitors should conduct themselves in the course of their duties towards themselves, the firm and clients. The aim is to understand how the SRA seeks to drive change towards equality and inclusion within the legal profession.

This section further discussed the mandatory Outcome Focused Regulations (OFR) put in place by the SRA. They constitute part of the SRA's continuous attempt to eliminate exclusions and discrimination based on age, disability, gender reassignment, marriage, civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

More equality and diversity policies by the SRA which include the appointment of COLPs and the requirement of firms to provide annual equality and diversity statistics as a way of monitoring compliance by firms were explained.

Additionally, the enactment of various policies such as the Diversity and Inclusion Charter, the establishment of various supporting schemes like The Law Society Corporate Responsibility Scheme, Diversity Monitoring Scheme established in 2016 as an offshoot of the Equal Opportunity and Diversity Initiative, the Diversity Access Scheme, among others were discussed. Supporting bodies and segments such as the Ethnic Minority Lawyers Division (EMLD) for ethnic minority professionals, Interlaw Diversity Forum for promoting the interests of LGBT professionals, the Interlaw Diversity Forum Report 2017) and the Association of London Women Solicitors and several others, which promote LGBT professionals' interests, were discussed. All these were explored to offer an insight into the SRA's attempts to eradicate all forms of discrimination and encourage inclusion in the profession.

Strategies like the "business -case" strategy which was initiated to help firms support the equality drive, while also enjoying an economic advantage was discussed in detail. However, critics of the "business-case" strategy are of the opinion that its effect is diminished due to its lack of core values, monitoring, interest in economic gains, which pressurise practitioners with conventional and biased work structures and concepts (McGlynn, 2000; Sommerlad & Sanderson, 1998; Collier, 2013). Other criticisms of this initiative included the loss of value of traditional law firms and the failure to tackle the profession's gender trajectories (McGlynn, 2000; 2002; Sommerlad, 2016). Bolton and Muzio (2007) are of the belief that it has caused a feminization of the legal profession whereby female solicitors are clustered in low-paid, non-legal clerical work, with lower wages.

7.2 Review of Literature

To further understand the trends in this area of study, a detailed review of the literature concerning diversity and equality within the legal profession was undertaken in Chapter 2. The review offered an in-depth knowledge of previous studies, assumptions, ongoing debates on discriminatory and exclusionary practices and their impact on the career progression of male and female solicitors. A crucial benefit of the review was the identification of frameworks, which guided the designing of the research questions.

The literature revealed that gendered assumptions, social constructs, norms and stereotypes strongly influence the management and operation of the firms and entrench discriminatory practices further. The review of the literature also identified different perspectives of scholars which shed more light on the issues under study. Scholarly debates concerning gender trajectory in previous scholarships highlighted how the assumption of a neutral, masculine gender dominates the legal profession, thus influencing policies and practices that are advantageous to men and disadvantageous to women. Sommerlad and Sanderson's (1998) finding concerning a highly gendered masculine legal profession implied that women remain neglected.

The professional competencies, abilities and commitment of female professionals were consistently benchmarked against male characteristics and assumptions. The contributions of gender scholars such as Bolton and Muzio (2007), Collier (2013; 2015), McGlynn (2000; 2002), Webley and Duff (2009), Ward, Moran and Winterfeldt (2012), among others in the literature exposed the extent of gendered practices in large firms and their influence, which renders the eradication of inequality a mammoth task. Similarly, other aspects of discrimination which were not wholly against women but men and women from minority groups such as BAME, LGBT were well reviewed (Bolton & Muzio, 2007; Ward, Moran & Winterfeldt, 2012) and lower social classes were identified (Ashely, 2016; Ashley & Empson, 2013).

The researcher also analysed the degree of gendered assumptions affecting management in large firms and how affected male and female practitioners responded to work cultures that were greatly influenced by conscious and unconscious biases.

Scholarly arguments against the prevalence of neutral, yet masculine gender identity was perused and reviewed in the light of propositions made as to how females struggled to have a "fit" with the current male model. Thus, the work culture, which concerns casework, case allocation, mentoring, networking, leadership were widely engaged in the literature. The purpose is the need to fully understand on-going debates and previous findings of the problem of exclusion and inequalities within the profession.

The literature review helped to illustrate that female legal professional saddled with family responsibilities and challenges at work encountered a lack of balance between work and home life. These often prompted them to make choices (Leaghey & Donoghue, 2014; McRae, 2003) and not as portrayed by Hakim (2000) in her Preference Theory. Hakim posited in the Preference Theory that female solicitors have heterogeneous lifestyles which prompt them to have preferences and according to her, the preferred priority is not employment.

Another useful aspect of the literature on the role of gender and the problems of diversity and equality in the legal profession was well understood from the works of Collier (2013; 2015). While Collier confirmed the trend of exclusions of women due to the firmly held assumptions of male professionals' loyalty, hyper-competitiveness, commitment and availability on a 24/7-hour basis, he also revealed through his studies that the 'ideal male workers' are not the 'supermen' they are socially construed to be. Collier highlighted the fact that among the ideal workers, were also men who suffered exhaustion, which required work-life balances and also experienced states of poor well-being yet remain silent in order to meet the stereotyped image (Collier, 2015).

Consequently, he suggested that the debate on gender-based marginalisation should not be perceived as a "woman's problem" but expanded to include men, as they also experience pressure in neoliberal legal environments. The suggestion of Collier created an interest in understanding the experiences of male professionals' and also contributed to the focus of the research. The knowledge gained from this aspect of the

literature review assisted in the decision to include male practitioners in the research studies. Their participation in the research sample helped to explain the theories that underpinned the study.

7.3 Gaps in the Literature Addressed by this Research

Even though the literature provided in-depth literature and sourced that guided the researcher to define the data collection process, gaps were identified, as shown below and which this research has now filled.

7.3.1 Lack of previous studies on small- and medium-sized law firms

There was a gap in the literature on the state of events in medium and small firms as most research focused on large firms. This thesis attempted to fill this gap by researching to include participants from large, medium and small law firms. The inclusion of medium and small firms has provided data and findings and therefore has contributed to a new area of knowledge in the literature.

7.3.2 Lack of specific research on the promotion process

This research has filled the gap in the research concerning specifically, the promotion process to the position of partner in large, medium and small firms in England. The outcome of this research has brought to light the operation of promotion processes within selected law firms in England.

7.3.3 Major focus on organisational context and structure, not authority figures

Most of the previous researches focused on female practitioners only. This research involved the management and partners who are decision-makers in large, medium and small firms. Their inclusion in the research provided a balanced view of data obtained and further clarified some of the vital issues surrounding the implementation of the promotion to partner process.

7.3.4 Exploring beyond law firms

Following the suggestion of Brenner (2014), external factors were explored. Professor Brenner advised researchers to look beyond the precincts of law firms when seeking

to understand the problem of persistent inequality between men and women at the partner level of law firms.

Participants were, therefore, interviewed about external factors outside their respective law firms that positively or negatively impacted their professional lives and career advancements. Outcomes that emerged from the semi-structured interview included problems of a lack of family support and a poor state of well-being beyond the offices. Participants claimed the lack of family support created challenges for them when seeking to meet expectations at the workplace.

In line with Collier's (2013) suggestion, this research examined the well-being of male and female solicitors from small, medium and large law firms and confirmed that some of them suffer from a state of poor well-being that subsequently affects their performance at work.

7.4 Identification of Three Research Frameworks

The review of the literature exposed detailed facts on gender-based stereotypes, assumptions and reactions as a result of these assumptions. Three frameworks were identified from the literature and guided this research. Among the three frameworks chosen by the researcher were these discussed briefly below:

7.4.1 Preference theory, prejudice towards women

With the insight gained from the literature, Preference theory propagated by Hakim (2000) was used as one of the foundations of this study. The Preference theory sought to explain why women are less represented in the workplace. Hakim (2000) posited that women's lack of ambition is the underlying cause of their slow career progression and equality with men at the top levels. Hakim (2000) proposed that unlike a majority of men who prefer to work, only 20% women prefer to focus on work, while 60% (the majority) move between work and home life and only work when it suits them. The remaining 20% she posited prefer to remain at home to attend to care-related duties. Even though this theory was formulated based on studies on women across Europe, North America and the Scandinavian countries, it has properties similar to the assumptions held against female legal professionals. The literature indicated that

female practitioners are perceived to have only one choice which is home-life (McGlynn, 2002) and therefore may not aspire to advance to the level of partners. This framework facilitated the investigation of what female conceptions are regarding successful law careers and to know if female solicitors do nurture such ambitions at all. This framework underpinned the construction of the first research question. The findings of the research provided answers to the question.

7.4.2 Role Congruity theory of prejudice

The Role Congruity Theory of prejudice against women as propagated by Eagly and Karau (2002), explains stereotypical assumptions and perceptions of female leaders. According to the theory, during the selection of leaders, a perceived incongruity between the female gender role and leadership roles lead to two kinds of prejudices:

- (a) the perception of women as being less favourable than men in potential leadership roles;
- (b) a less favourable evaluation of prescribed leadership behaviour when enacted by women.

As a result of these prejudices, women professionals find it more difficult to achieve success in leadership roles when in competition with men. While the theory discusses stereotypes in leadership positions, it also extends to men and women's daily roles and responsibilities.

These prejudices are forms of conscious and unconscious bias, Nalty (2016) identified conscious and unconscious biases as some of the factors that delay the career advancement of female lawyers. The theory was adopted to explain why female solicitors are often perceived as lacking the competence to perform challenging professional tasks in comparison to their male colleagues in law firms. The research relied on this theory to explore the extent to which female solicitors were dealt with in times of selection for leadership roles.

7.4.3 Theory of Social Constructionism

The theory of Social Constructionism was discovered from the vast body of literature that was reviewed by the researcher during the onset of the research process. The tenet of the theory suggests that female practitioners are assumed to behave in a

socially constructed manner, distinct from men (Elder-Vass, 2012; Sommerlad, 2016; Thornton & Bagust, 2007). Thus, understanding the effect of such perceptions about women at work became necessary. Assumed attitudes and attributes may be wrong or irrelevant, but they remain embedded within the society and firms. Since women are deemed to be weaker than men, such feelings lead to biased judgements about women at the law firms too. It also influences the social relations between men and women and further affects work structures and policies. For solicitors, Chapter 2 of the Solicitors Code of Conduct 2011 provides mandatory principles that all law firms and solicitors should adhere to while extending the same to their clients. The aim is to prevent undue discrimination among solicitors and management, but sometimes, the obligations are influenced by discriminatory behaviours that have been influenced by either conscious or unconscious biases. Negatively constructed stereotypes about individuals could result in de-motivation while positive constructs can lead to acts that motivate at the work-place. Promotions should be the result of hard work devoid of unfair and biased behaviours and policies.

The knowledge of this theoretical framework underpinned the third research question aimed at understanding the impact of work culture on women's career advancement. The research question has been answered using the qualitative data obtained and analysed through a thematic method of analysis.

7.5 Research Methodology

7.5.1 Choice of methodology and justification

A qualitative research methodology was chosen for this study. Although the reason for this choice has been detailed in Chapter 3, an overview is presented here.

The sample population comprised of thirteen female and thirteen male solicitors, five managing partners, one Human Resource Director and a Sole Practitioner. All were chosen through a purposeful sampling made up of two small, three medium and two large law firms in England.

The nature and purpose of the study determined the choice of methodology (Creswell, 2007; 2009; 2013). The purpose of the study was to seek answers regarding the

progression of female solicitors up to partner level in the legal profession, the research methodology chosen was qualitative. The nature of the research and answers to the research questions asked could only be obtained through empirical data that is detailed, explanatory, and expressive as narratives. The data sought concerned participants' experiences, opinions, perceptions, beliefs. The research data could only be obtained mostly through semi-structured interviews with open-ended questions, which would allow the detailed explanations and expressions to occur. A quantitative methodology would have been too restrictive and inflexible for this type of research and was, therefore, not chosen as a methodology. A qualitative methodology was employed due to its appropriateness as explained in detail in Chapter 3 of this thesis.

7.5.2. A detailed explanation of the research process

In Chapter 3, a detailed description of the research design was presented along with an in-depth account of the purposeful sampling technique employed. The sample population was described in detail with reasons for the choice of the purposeful sampling. The demography of all participants comprising of five partners, a sole practitioner, an HR Director, thirteen males and fifteen female solicitors were also discussed. A justification for selection of the participants who made up the sample group along with the criteria the researcher applied in the selection of the two large, three medium and two small-sized firms for the sample group

- **The Research Sample: Description of participants and the law firms.**

As previously stated, the sample population comprised of fifteen females and thirteen male solicitors, five managing partners, one Human Resource Director and a Sole Practitioner.

Participants were chosen through the use of Purposeful sampling as recommended by Palinkas, Horwitz, Green, Wisdom and Hoagwood (2015) because they were believed to have adequate knowledge about the phenomenon under study. Jacob (2013) suggested obtaining such empirical data from the right sources.

Figures 3. 3 to 3.5 of Chapter 3 of this thesis, show the demographics of the seven different law firms in the sample group of this research which have been given

alphabetical pseudonyms (Law firms 'A' to 'F'). Numbers were allocated to the participating male and female solicitors and partners. The demographics of participants include their ages, marital status, number of children, years of post-qualification experiences and age ranges.

For clarity, each of the law firms' composition, areas of practice and the population of firms were described to give the reader a better idea about the firms.

- **Limitation of Purposeful Sampling**

The main limitation of purposeful sampling was discussed in this chapter. Purposive sampling technique is time-consuming. It took several days and to establish contact with participants, arrange available dates for the semi-structured interviews. It also took a reasonably long time to obtain the necessary data about each participant to ensure that a representative sample was being obtained.

- **Snowball Sample**

Snowball sampling was employed to recruit two participants (Ex-PFS27 & 28) who had previous knowledge about the phenomena being investigated. They were recommended by some of the participating solicitors who believed that the narratives of the ex-practising solicitors would throw more light on the issue regarding selective/gendered case working which occurs due to international client demands in large firms.

- **The timeframe for recruitment and interviews**

The recruitment of partners took two months while it took three and a half months to recruit solicitors who participated in the research.

The semi-structured qualitative interview lasted for 9months and a few days. Supplementary telephone- interviews were conducted with participating partners following the compulsory viva-voce that constitutes an examination of the researcher concerning the conduct of the research. The new data collected focused on the well-being of partners as suggested by Collier (2015). More data was required to understand if partners experience have work pressures like solicitors which could lead to a state of well- being.

- **Collection of Research Data**

The choice of qualitative research methodology facilitated the collection of primary data mainly through semi-structured interviews with participants (Smith,1975). Smith (1975) emphasized that semi-structured interviews are suited for exploring beliefs, attitudes and values and these cannot be measured. Whereas a quantitative research methodology relies on information that can be measured and written down with numbers (Punch,1998).

The semi-structured interviews were held in the English language and were done using a Cassette-tape recorder which recorded verbatim, the responses of participants as provided. These were later transcribed into Microsoft type-written versions for analysis. Some of the additional semi-structured interviews held through electronic media (Skype). Secondary data were obtained from other sources such as the SRA, Law Society publications, survey reports, Law Reports, Legal articles and journals, online legal news reports and Law Gazettes. A quantitative methodology was inappropriate due to its nature of using highly structured and rigid techniques such as online questionnaires, on-street or telephone interviews.

- **Research data Analysis: Thematic Analytical method**

As a result of the choice of a qualitative methodology, the research data was analysed using Thematic analysis underpinned by an inductive approach. The thematic analytical method is used in qualitative researches and enables the researcher to observe, identify, analyse, describe, codify, report the patterns in the rich, complex data to generate themes and theories (Braun & Clarke, 2006). A theme is a recurrent event, narrative or point that captures the key idea about the data concerning the research question. It also represents some level of patterned response or meaning within the data set (Braun and Clarke, 2006).

The six steps recommended by Clarke and Braun (2006) were adopted in this research to achieve a valid and representative outcome. The method also aided the reduction of the large data and made it more manageable to analyse (Roulston, 2010). An inductive approach was resorted to because the researcher relied on the emergence of the outcomes (themes and sub-themes) solely from the data provided by participants. Data were not analysed through numerical comparisons and statistical inferences as done in quantitative researches (McLeod,2017). The inductive thematic

research analysis was based on a 'bottom-up'; a process which focused on the data obtained directly from participants instead of a preconceived idea about the themes (Roulston, 2010; Thomas, 2003). Even though it was time-consuming, it justified the use of a qualitative methodology because the interpretive nature of the research required a thematic method to analyse the extensive data.

NVivo is an electronic computer software that was utilized during the stage of data analysis. It was used by the researcher

to organize, structure and codify research data into themes and sub-themes as they emerged from the empirical data. Great attention to details was required in the coding process and the analytical responsibilities remained with the researcher.

The researcher was guided by the six steps of data analysis illustrated by Braun and (Clarke 2006). These include being familiar with the data, transcription of data, a perusal of the data many times in order to engage with the data, the arrangement of similar themes into nodes which took the form of information containers. The coding process at the analytical stage required a repetitive process of reading through, identifying, coding and labelling themes that could be categorized further into parent or child nodes.

For the benefit of future users, the researcher's experiences with NVivo software was explained. The essential requirement for qualitative researchers who use NVivo for data analysis includes resilience, familiarity with the data and dedication.

- **Ethical issues**

In every research process, there are ethical issues that the researcher should comply with to avoid ethical dilemmas during the research process. Issues of consent from participants, confidentiality and anonymity, honesty and integrity become essential. Creswell (2013) pointed out the need for researchers to endeavour to respect the rights, needs and values of participants with specific reference to maintaining anonymity and confidentiality when necessary. Participants were assured of these and the allocation of pseudonyms and numerical codes to the law firms and participants is a testament to the level of confidentiality and anonymity maintained. Steps were taken by the researcher to comply with the provisions of The Social Research Guidelines (2003).

Transparency by the researcher was sustained at all times during the research process. The dual role of the researcher as a solicitor and student were also well managed during the research process. Thus, the researcher's background, beliefs and biases, personal perceptions, experiences, or opinions were well controlled and so did not influence the conduct of the research. The interpretations were also devoid of the researcher's professional views.

- **Reflexivity during the research process**

Regular reflection and self-examination were undertaken to attain maximum focus on the aim and objective of the study as suggested by Ratcliffe (1983). Acts of reflexivity contributed to the additional effort by the researcher to obtain best data for

analysis. The researcher's effort is evident in the series of semi-structured interviews undertaken by the researcher to clarify issues.

7.6 Data Analysis and Presentation

Detailed and thematically analysed empirical data from participants of the two large firms were presented in Chapter 4 while Chapter 5 consists of the analysed data presentation from participants from medium and small firms. The qualitative data was obtained verbatim using a cassette tape recorder. The research data collated were later transcribed into Microsoft Word. The researcher then conducted a thematic analysis of the data using an inductive approach. The analysed data presented by the researcher in Chapters 4 and 5 of the thesis are two-fold. Some of the analysed data were presented verbatim to highlight the direct sources of the themes while others were summarized by the researcher and presented.

7.7 Discussion and Findings

A detailed discussion of the findings based on the thematically analysed empirical data was presented in Chapter 6 of the thesis.

7.8 Summary of Findings that Addressed the Research Questions

The researcher designed the three research questions following an in-depth review of the literature on the area of study. The analysed data provided answers to the three research questions. A summary of the findings is presented below:

The Research Questions

Research Question 1: What is a female solicitor's conception of career success and do they aspire to become partners?

Research finding/answers

The results suggest that female solicitors' conception of career success in large, medium and small firms is attaining the position of partners and that they do aspire to become partners. However, they are inhibited by challenges at work and outside work.

Many women from large, medium and small firms were also found to be inhibited by the structural, contextual and social behaviours, assumptions and perceptions, which result in lack of support and a subsequent loss of interest among some female solicitors.

In small firms, female solicitors were discovered as having the aspiration to become partners but did not believe their ambition could be fulfilled in their current small firms due to the lack of vacant positions.

Partners or sole owners of small firms seldom expand to accommodate a new salaried partner. The construction of female solicitors by human capital theorists as having only one choice (home-life) and therefore are better at 'homemaking' while men are 'breadwinners' is consistent with the theory of Social Constructionism (Elder-Vass, 2014; Heilman, 1983). It also justifies the argument of McGlynn (2002) of the need to have a debate on gender trajectory whereby the feminine female gender is recognized alongside that of men. Hakim's (2000) Preference theory is inconsistent with the experiences of female solicitors because they are willing to focus on their careers if given the opportunity. Critics of the theory (Leahy & Donghue, 2016 and McRae, 2003)

remain justified that women do not opt out voluntarily but are instead forced out due to numerous challenges they face within and beyond their respective firms.

Furthermore, parental duties (child care or marriage) do not significantly and negatively influence women's desire to achieve career goals in large, medium or small law firms. Many female solicitors interviewed confirmed that they could make adequate arrangements for childcare so, that was not considered a serious barrier. Female solicitors who face a break in career due to childbirth prefer to continue. The problem lies with the point of their return. Adequate support from their firms upon their return back to work is lacking and this leads to females opting out into in-house practices or out of the legal profession. Webley and Duff (2007) found a similar situation in large regional firms following their study of female lawyers across major cities in the UK.

The research results showed that many female solicitors in medium and large firms lack support from their families and this hinders their career opportunities and prevent some of them from achieving their career goals. Male spouses enjoy more support from their female spouses who take charge of childcare arrangements, home care and so can pursue their professional aspirations.

In small firms, flexible working is deemed reasonable and so females who practice in those firms are not under such pressure as their peers in bigger firms.

Research Question 2: To what extent do small, medium and large law firms' culture impact female solicitors' career advancement?

Research finding/answers

The result suggests that the culture of most law firms significantly influence the career advancement of female solicitors and determines to a great extent the opportunities open to them. In this study, the cultures of medium and large law firms were observed to hinder women's progression to partner positions. Many in large and medium law firms remain unsupported by the work culture, which is male-oriented and so favours male solicitors more. Male solicitors are regarded as 'ideal workers' with greater consistency and commitment.

Poor mentoring opportunities, unfair and sometimes, gendered case allocation systems disadvantage female solicitors. These are influenced by conscious and unconscious biases which have their roots in societal gender constructs. The explanation of Nalty (2016) about the role of unconscious bias in law firms which also leads to the poor female representation at the top levels in firms supports this finding.

Embedded within the culture of large and medium-sized law firms are social constructs which have influenced the way individuals behave and act towards one another. In the case, the effect of conscious and unconscious biases towards female solicitors was synonymous with the tenets of the Role Congruity theory of Prejudice (Eagly & Karau, 2002) and secondly the Theory of Social Constructionism (Elder-vass,2014).

Additionally, lack of communication between the management and practitioners create misconceptions concerning vital work processes. The situation is worsened by female practitioners' passive attitude towards biased work processes.

The culture of silence continues to inhibit those with sexual preferences to feel alienated from others and work processes. In this study, there was no female member from LGBT network, but there was a male solicitor who due to fear of victimization and homophobic discrimination has remained silent about his sexuality. The Equality Act 2010 gives all employers and practitioners the right to enjoy their working lives without fear of discrimination or disfavour. Even though the participant confirmed that his firm was not aware, there were no measures to encourage members of the LGBT to freely exercise their choices as required by the SRA Code 2011.

Flexible working is unpopular and synonymous with a lack of commitment in medium and large firms. Women have the ambition to progress further up to partner levels, but external factors beyond the law firms also contribute to the slow career progress of female solicitors in mostly medium and large firms. The culture in Small law firms encourages flexible working, so female practitioners do not feel as pressured as their colleagues in medium and large firms. The culture in small firms facilitate the attainment of work-life balance but does not necessarily contribute to women's career advancement to top levels.

RQ3. How are the promotion to partner processes in small, medium and large law firms determined and implemented in England and how can they be improved?

Research finding/ answer.

The results also suggest that there are no set down promotion manuals. Promotion to partner processes in large and medium-sized law firms are highly gendered in favour of men. The criteria which were adopted from the literature indicates that firms utilize criteria at will. Chapter 2 of the SRA Code of Conduct, 2011 provides for fair and equal behaviour towards employees but does not have a published promotion to partner criteria or specific guidance.

The promotion processes that exist in the large and medium-sized firms lack clarity and many female solicitors misconstrue the criteria required to perform well as to be placed in a partner track. Also, the lack of adequate mentoring means many female aspirants do not get the opportunity to be recommended by their mentors for promotion considerations.

The ABS firms contribute to the slow pace of progress of both male and female salaried practitioners in medium and large firms. This occurs due to first and foremost the financial investment capability of such prospective investors. Once declared fit by the SRA, that triggers the equity partner appointment process. Unlike salaried partners who grow through the hierarchy and are subjected to all the professional rigours within the partner track. This reduces the chances of progression not only for the women but also for men who aspire to become salaried partners.

Small law firms retain the "monarch" style, in which the owners remain the partners for a reasonably long time. Promotion to partner positions is not standard within small law firms or in a Sole practice.

Some medium-sized firms still employ the "tournament model" where all founding partners remain equity partners. When non -equity partnership promotions take place, men form the major benefactors, as they perform better due to the management's support they enjoy to the detriment of female practitioners.

In small firms, it was found that financial reward and a balanced work-life is considered more important than promotions. Both male and female solicitors do not expect this promotion, perceiving small firms as a "gateway" into the legal profession. Promotions are not paramount to solicitors of both genders.

This demonstrates the new conceptual framework that emerged from this research. It explains current circumstances about women's professional behaviour, the challenges they face and the cause of their poor career advancement to partner positions.

7.9 Research Recommendations/Proposals

Introduction

Barreto, Ryan and Schmitt (2009) suggested that one of the solutions to the barriers women face is to make visible what they encounter and make suggestions on how they can enhance their career choices. The research has fulfilled its purpose of highlighting the barriers female solicitors face within the legal profession and in their career advancements up to partner levels.

7.9.1.The Research Recommendations/Proposals

This section presents new strategies, initiatives and a new promotion to partner model that will alter the current exclusionary practices and work cultures that can lead to better promotion to partner opportunities for female solicitors. The strategies and policy changes are offered across different levels. This includes strategies at the regulatory level, management and individual levels. These recommendations have emerged as solutions to the problems identified by this research across the different sizes of law firms.

7.9.2 Strategic Proposals for Solicitors' Regulation Authority of England and Wales

The SRA as the primary regulatory authority needs to consider these measures in addition to existing policies and initiatives in the pursuit of diversity and equality within the profession.

7.9.2.1 Mandatory membership of Diversity Monitoring Scheme and accountability by law firms in fulfilment of the Diversity and Inclusion Charter.

The Diversity and Inclusion charter enacted in 2009 and as amended has played a role in creating conscious awareness among firms concerning the need for the promotion of equality and inclusion within the profession. Submission of annual Diversity and Inclusion report by all registered law firms should be made compulsory.

The Diversity Monitoring Scheme provides an avenue to highlight if law firms are complying with the equality and diversity principles. It also serves to understand areas that may require reasonable amendments. As at July 2018, only 490 law firms out of 10415 registered firms have signed up to the scheme (Law Society Diversity Report, 2018). As at September 2017, only 467 out of 9430 small, medium and large law firms in England and Wales, were registered as signatories to the Charter.

The charter has no sanction on law firms for non-compliance with the requirement to produce annual diversity and inclusion reports. All registered law firms in England and Wales should be compelled to sign and provide real accountability annually. Sanctions by way of fines should also be imposed on firms who fail to comply. By so doing, management will become more involved and more alert towards the policies that encourage equality and diversity within their firms.

7.9.2.2 Requirement to Review and Amend Section 78 (2)(a) of the Equality Act 2010 (Gender pay gap disclosure)

Section 78(2)(a) of the Equality Act 2010 which requires firms including law firms to produce annual reports on pay structure should be amended to include all registered firms. The provision currently requires only firms having 250 employees and above to submit annual returns.

The gender pay gap which mainly disadvantages female practitioners demands greater attention so that the status quo can be changed. Also, many practitioners from BAME work in medium and small firms with less than 250 members, thus, may be affected by such pay differences. If the amendment is not made, the discriminatory

practices regarding wages of solicitors will continue to create further disparity in the profession. Many female solicitors who are affected will become uninterested or less willing to face the challenges in their bid to advance further.

The culture of silence identified during the research implies that many affected practitioners, especially females, do not complain about such misconduct by employers. Over time, they might decide to opt-out, thereby widening the gap of gendered inequality further within the profession.

7.9.2.3 Introduction of quotas for women for partner positions by Solicitors Regulation Authority

This research recommends that the SRA should consider the introduction of partnership quotas for men and women in large and medium-sized private firms.

Many small firms are either individually owned by a Sole Practitioner where there is no partnership or owned by two or more practitioners who are partners and may not require such quotas. Medium and large firms should be compelled to introduce partnership quotas for male and female practitioners within a given time which will be based on post qualification experiences to enable firms to work towards specific targets. This will prevent exclusions of competent females who are capable but often overlooked.

This proposal does not imply that appointments or promotions should not be merit-based. If firms have quotas, there will be a motivation for ensuring female practitioners are also supported and involved in all necessary practice areas and work processes. Availability of promotion quotas can also enhance mentoring relations and case allocations opportunities in firms. It will encourage both partners and employees to embrace more challenges if they are aware that they have a chance to be in line for a career elevation. A pilot stage can be initiated to test the efficacy of the quotas system.

As observed in medium law firms, many female solicitors have faced career stagnations. Promotion quotas can effectively be utilized to transcend exclusions due to gender, race, religion and sexual orientation. The focus should also include quotas for male and female partners within a given time frame. Firms without qualified female

partners will be encouraged to recruit laterally, thus leading to an increase in the female partner population in England.

7.9.2.4 Inclusion of compulsory training on diversity and inclusion initiatives for all Solicitors.

Gender-based inequality and exclusions have pervaded the legal profession in England for a long time despite the introduction of several diversity and inclusion initiatives by the UK Government, Solicitors Regulation Authority and other supporting bodies. However, the cause of this inequality is two-pronged. While the culture of some law firms can be said to be the cause for the continued of exclusionary practices, such cultures will fade away if practitioners refuse to accept them as the norm. Management representatives and practitioners need to be further educated and empowered regarding the best ways to tackle such dominant behaviours from bottom-up.

As stated earlier, a law firm's culture is "the daily manifestation of its performance, expectations and behavioural norms. It is, what is encouraged and what is tolerated" (Isturiz, 2014, p. 1). It borders on the firm's manner of operation. Wittenberg-Cox (2014) emphasized that building gender balance is management and leadership skill. Wittenberg-Cox further explained that "bringing a business into a successful gender balance requires leaders who have a strategic understanding of the considerable economic benefits that lie untapped in the female population" (2014, p.1).

When partners and practitioners begin to condemn such prejudiced work practices and are encourage victims to speak up against such practices, change can become evident. Section 77 of the Equality Act 2010 protects individuals who seek wage disclosures from victimisation from employers. Section 7(3) of the same Act provides the right to freedom of information over wage differentials (Equality Act, 2010).

With appropriate equality and diversity-focused training, conscious and unconscious biases that create disadvantageous work policies and attitudes can be gradually eliminated. The literature indicated that some female solicitors prefer to engage in low-profile work, unlike their male counterparts who opt for higher practice areas such as corporate banking, finance and dispute resolution. Training in diversity and inclusion

can empower minority groups and women to choose areas that will enhance their chances to become partners faster.

Even though the Association of Women Solicitors conducts programmes to retrain women returning from maternity breaks, these are not consistent (Feenan, Hand & Hough, 2016). Professional development training should include options for retraining in the same or new areas of practice so that more female solicitors can enter male-dominated areas of practice.

Additionally, this research and previous studies found that many BAME men and women suffer attrition and become complacent about entry into more prominent law firms. Law firms willing to promote diversity and inclusion should endeavour to employ on merit those from the minority groups. Those belonging to BAME and other minority groups should be encouraged to approach such firms and opt for high-end areas like corporate and commercial law. The training does not need to be limited to practitioners only. Annual management training including COLPS can incorporate ways to comply with diversity initiatives adequately.

7.10 Strategic Measures for Medium and Large Law Firms

Law firms constitute the context of all managerial activities, behaviours and processes in the profession. The findings from this research revealed a lack of co-operation between law firm management and practitioners. Both are required to play complementary roles to eradicate inequality at all levels. The following strategies have been designed and recommended to support the transition into a new phase of work-life.

7.10.1. Recognition of Multi-gender trajectories in the legal profession by firms

McGlynn (2002), Sommerlad and Sanderson (1998) argued previously about the need to recognize the female gender alongside that of the male. The researcher recommends that all genders (Male gender, female gender and Trans-gender) be recognized as it is highly likely to resolve the core inequality issues within the profession.

The construct of single male gender as an "ideal worker" with masculine tendencies creates multiple challenges for women (and probably transgender) who remain ignored in the trajectory. With the recognition of multiple genders, work policies can be appraised and restructured to facilitate the inclusion of genders. Such recognition can highlight the differences in the treatment of different genders and protect work policies and cultures positively. They can also lead to better business platforms where employers and employees can gradually shed negative stereotypes against women and other genders.

7.10.1.1 Improvement in Knowledge Management within medium and large law firms.

The research findings revealed a lack of knowledge management and poor communication systems within medium and large law firms. Poor knowledge management among those in authority was found to cause misconceptions about work cultures and policies.

Practitioners were unclear about vital work processes that had a significant effect on their career advancement opportunities. These misconceptions were found to be more disadvantageous to many females than male solicitors. Examples of such misconceptions include the long hours and networking requirements, as explained by participating partners and HRD.

King (2009) defined knowledge management (KM) as "the planning, organizing, motivating and controlling of people, processes and systems in the organization to ensure that its knowledge-related assets are improved and effectively employed" (p. 4). King explained knowledge-related assets to include printed documents, such as "patents and manuals, knowledge stored in electronic repositories, such as a 'best-practices' database, employees' knowledge concerning optimum performance practises, knowledge held by teams working on focused problems and that embedded in the organization's products, processes and relationships" (2009; p. 4). Therefore, a clearer understanding of the work culture, processes and promotion guidelines/criteria will enable all practitioners to compete fairly for promotions in firms. The lack of

adequate knowledge about diversity and inclusion initiatives in some participating solicitors were observed during the data collection process.

In small firms, due to the proximity to partners or the sole practitioner, communication lapses are minimal or non-existent as evidenced by this research. This, however, is not true for large- and medium-sized firms where vital information can easily get lost, without reaching the targeted audience. It is also recommended that as a form of knowledge management and sharing, firms should openly include and display diversity and inclusion policies within firms. Such policies and principles should be included in the monthly newsletters sent to individual solicitors to prevent lapses about updated initiatives.

7.10.1.2 Revision of mentoring schemes in medium and large firms.

The current situation as observed in this study, confirms the prevalence of biased mentoring schemes in medium and large firms. Section 19 of the Equality Act 2010 aims at the prevention and eradication of direct and indirect discrimination at the workplace against all genders, races, religions, ethnicities and sexual orientations.

Section 39 also forbids employers to discriminate against employees in favour of another by not affording one “access, to opportunities for promotion, transfer or training or for receiving any other benefit, facility or service” (section 39 (2)(b) of Equality Act 2010). Chapter 2 of the SRA Code (2011) specifically provides for the need to treat all practitioners fairly and equally without exclusionary behaviours.

Several participants from medium and large firms expressed discontent concerning the mentoring culture in their respective firms. Mentoring, being a vital professional development activity, should be enjoyed by all willing practitioners. A revision of any current scheme to allow a more effective and monitored mentoring scheme will reduce bias and also introduce effective mentoring outcomes for both male and female practitioners. Male hegemony in law firms has galvanized masculine bonds, excluding female practitioners and encouraging unfair mentoring behaviours (Phelan, Moss-Racusin & Rudman, 2008). As stated earlier, training targeting diversity and inclusionary acts will facilitate the erosion of unconscious bias. Nalty (2016) explained

the influence of the Affinity bias which attracts individuals of the same gender, behaviour and perceptions to one another. Therefore, male practitioners are easily attracted towards their fellow men in times of unconsciously or consciously choosing who benefits from such mentoring opportunities.

7.10.1.3 Need to reform case allocation mechanisms in medium and large firms.

Discontent concerning case allocation was found to be prominent among many female and some BAME male participants in medium and large firms. The current systems are supported by negative and gendered stereotypes, assumptions about female practitioners' choices and the capabilities of others which is leading to unequal opportunities in these firms.

There should be developed a case allocation central system that all categories of practitioners are accessible to. Managing partners or senior associates in charge of such allocations can also categorize the level of experience required for each case as shown on the system to eliminate inexperienced associated from vying for such allocations. In so doing, all qualified associates will be able to determine if they can deal with such and make their intentions known. This type of case allocation system will eliminate bias and favouritism within medium and large firms.

7.10.1.4 Reformation of gendered international client- management strategies in large firms.

One of the findings from large law firms concerned the impact of demands by international clients. It was found that large firms sometimes apply particular, gendered case allocation schemes due to client demands. Ashely (2010) also identified this practice in her study of five UK large/global firms. This practice encourages gender-based exclusions whereby male or female practitioners are excluded from handling some client portfolios.

While the importance of good client care is understood and appreciated, large firms should introduce a new approach in which clients are enjoined to adhere to the firm's diversity and inclusion ethics at the on-set of the retainer. This can be done by including in the client -care letter the unwillingness of the firms to accept such discriminatory policies. Such action is very likely to minimise the demand for specific gendered case- handlers. Reforming the client-focused work culture can allow both male and female practitioners to experience new and diverse areas of professional growth through collaboration and engagement in their career lives.

Participants from the two small firms did not report such selective work policy during the research.

7.10.1.5 Use of innovative technology across small, medium and large firms.

The researcher agrees with Wald (2010) who emphasised that the use of technology constitute one of the solutions to some of the problems within the legal profession.

The problem of long hours is faced by both male and female professionals. This problem can be minimized with the use of innovative technology. The researcher is aware of dissenting views regarding the adoption of technology for legal work processes. Contrary to the views of McGlynn (2002) and Thornton (2016) that technological innovation induces the long hours' problem in large firms and causes a poor work-life balance, the researcher identifies the view of Wald (2016) as the workable solution.

Wald (2016) believes that the impact of technology will reduce the 24/7 hours work culture instead of encouraging it. Thornton (2016) believes that "the idea of work-life balance is largely elusive, with the boundary between life and work effectively extinguished by the neoliberal firm" (2016, p. 6). While there is some truth in the arguments of Thornton (2016) and McGlynn (2002) regarding specifically the lack of boundaries, the researcher believes that reliance on technology can reduce long hours and offer more opportunities to females to compete. Appropriate use of technology can also encourage more flexible working conditions for women.

Female practitioners with family responsibilities can structure their work lives at home and still produce adequate billable hours while handling their caseload adeptly. It should be the prerogative of such users to know when to demarcate work and family time. As previously mentioned in the literature review, Professor Cary Cooper, a stress expert at Lancaster University Management School, UK, suggested against a 45-hour work schedule as it can be detrimental to one's physical and psychological health. The literature on the well-being of legal professionals is gaining significance due to the increasing number of practitioners with poor well-being (Baron, 2015; Collier, 2014, 2015; Law Care, UK). Therefore, technology needs to be exploited for gainful measures by those that require work-life balances.

7.10.1.6 Effective campaign for more awareness about the well-being of solicitors in small, medium and large law firms

The research revealed the impact of a competitive work culture on both male and female practitioners. The scholarly works of Collier (2015; 2016) and Baron's (2015) on the well-being of practitioner have highlighted the effect of the culture of silence and masculine constructs within the profession. It was revealed that male and female practitioners opt to remain silent while suffering from work-related health issues such as stress and fatigues. Brenner (2014) advocated looking beyond the precincts of the law firm to seek solutions to problems of inequality in the legal profession.

Adequate awareness of the impact of poor well-being on individual performances will enable practitioners to understand better ways to deal with work-related stress. Awareness that poor wellbeing is not a sign of failure as a male or female will create better acceptance of the condition by practitioners and seek help when required.

The SRA, Law Society and other organisations are already supporting the organization that provides such care to professionals including lawyers. The Legal Professions Well-being Taskforce in England and Wales was launched in May 2016 to identify areas in which collaboration will be beneficial to all. Those across all sizes of firms should be encouraged to seek help without being stigmatized. Management should be made to create the awareness and consciousness within their firms.

7.10.1.7 Appointment of welfare officers in large, medium and small firms

In order to dismantle the culture of silence, large, medium and small law firms should appoint trained welfare/diversity officers who can be contacted in confidence by aggrieved associates instead of having open grievance systems which inadvertently frighten victims. Although COLPs are appointed within firms, a division of labour concerning the appointment of a Welfare officer to support the COLP may create a better medium of communication and confidence among practitioners. Such welfare officers should be trained lawyers or psychologists, conversant with dispute resolution and mediation also.

7.11 Practical Suggestions for Female Solicitors in practice

The researcher thinks that female solicitors also require to appraise their professional engagement and make some adjustments to reduce some of the barriers they encounter at work. The practical suggestions include the following:

7.11.1 Develop close ties and increased interactions with male colleagues

The researcher recommends that female solicitors need to be more sociable and more interactive with their male colleagues. Better work relationships can facilitate positive learning and knowledge sharing.

7.11.2 Develop interest in legal, technological software

Female solicitors need to develop more interest in legal technological software. Having an interest in innovative technological systems will facilitate female solicitors can utilize such knowledge to balance their work and personal lives. The available legal software allows working from home manageable. Billable hours can be fulfilled and create better chances of meeting some of the economic criteria for promotion.

7.11.3 Utilize social media to professional advantage.

The significance of social media in business is unprecedented. Female practitioners can rely on social media channels (Linked In, Facebook, among others) to conduct networking to their advantage. This research identified that self-induced networking by practitioners is more valued than firm-induced networking. Networking opportunities abound in social media. With interactions on social media, senior solicitors with high PQEs can also benefit from lateral partnerships appointments.

7.11.4 Develop interests in lateral partnership appointments

Partnership position can be attained in three main ways. These are by direct appointment of non-lawyer investors into ABS law firms, through promotions within the firm or by lateral appointment in another firm. Female solicitors should aim to achieve their career dreams through lateral appointments into partner positions. Diversity and inclusion initiatives can influence large firms' recruitment processes and create more opportunities. The research exposed the circumstances surrounding four senior solicitors who remained stagnated in their respective firms despite performing the duties of partners. With relevant experience, female practitioners need to explore career advancement opportunities beyond where they work.

7.11.5 Initiate Partner selection opportunities through self-selection/presentation

Female solicitors who believe they have the required competencies and experience should initiate partnership opportunities. This can be done by pitching themselves as suitable for such promotions. Preparing of a business plan or portfolio to indicate reasons why they qualify to be appointed as partners can trigger interests of management. This can be to managing partners within their firms. Self-selection suggests assertiveness and can open avenues for consideration.

7.12 New Promotion to Partnership Model for Medium and Large Firms

The new promotion to partner model as developed as an outcome of this research is practical and comprises the of following.

7.12.1. Manual of promotion criteria in Large and Medium law firms

A manual of the promotion criteria, with complete explanatory statements about the promotion requirements usually considered by the management, should be published and made available to all employed practitioners in medium and large firms.

7.12.2. Quarterly workshops/seminars for senior associates in all firms

These should be held for aspirants in large and medium firms to create awareness concerning promotion requirements to clarify aspects that might be misconceived and to empower those who feel excluded.

7.12.3. Secondment of Prospective partners' in large and medium firms

Interested senior associates should be seconded to the position of serving ad-hoc partners for an agreed period, ranging from six months to one year, before being considered for promotion. This should be considered to be an internship with no extra remuneration since it can form a part of the mandatory continuous professional development option for practitioners. Such periods served under secondment should be accredited with the SRA.

Before November 2016, Regulation 5.1 of the SRA Handbook required a Practising Solicitors in England and Wales to undergo a mandatory annual development training programme. The aim was to complete a 16 point- based training time before the yearly

renewal of practising certificates. No solicitor is allowed to practice without a practising certificate in England and Wales.

The SRA revised the training development rule on 1st November 2016. Practitioners are now empowered to identify areas of improvement in their law firms and seek training in these areas (Law Gazette, 2016). The SRA Competence development statement states that “Employers are responsible for delivering a proper standard of service to their clients and for training their staff to maintain a level of competence appropriate to their work and level of responsibility” (Principle 5 of SRA Handbook). This new development makes this suggestion more apt. All contenders will have the opportunity to learn and improve on their competence levels effectively.

Although these recommendations have been made based on the outcome of this research constituting law firms in England, the recommendations are adoptable by other law firms having similar diversity and equality issues within their jurisdictions.

7.13 Research Limitations

The research is limited to the extent that it does not have data on disabled solicitors. The sample group used in this study had no disabled professional. A study to explore the experiences of disabled legal professionals with regards to gender bias would have been a contribution to more knowledge.

7.14 Suggestions for further studies:

7.14.1 Impact of same-sex mentoring in law firms

The researcher suggests future research on same-sex mentoring opportunities and their impact on men and women's legal career's progress. The findings from this research revealed that many female solicitors in need of mentoring were mentored by male partners, while those who expressed satisfaction were being mentored by practitioners of the same sex. An investigation into the professional lives of female partners will reveal the nature of these relations and contribute to existing knowledge.

7.14.2 Research studies about serving Female Partners.

A study on serving female partners within the profession is suggested to obtain more knowledge on their experiences and how the challenges they faced were overcome. The outcome will be a learning process to other aspiring female solicitors.

7.14.3 Further studies on the well-being of female solicitors in conjunction with LawCare.

The researcher suggests a combined or sponsored studies in conjunction with Law Care UK to identify specific causes of the poor well-being of both male and female solicitors. The statistical reports of Law Care indicate a high incidence (65%) of poor well-being among female solicitors than male (35%) in 2015. The percentage of females receiving treatment increased in 2016 to 68%. This is a cause for concern that deserves specific studies.

7.15 Conclusion

This research was undertaken with the goal of making contributions that can have a positive effect on the progression of female solicitors to partner positions across small, medium and large law firms. It is rightly assumed that there will be some resistance to change. However, a gradual change is preferable to no change at all.

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Appendices

APPENDIX 1

Semi- structured Interview Questions for Law Firm Employers and Authorised Corporate and Human Resource Managers.

Question 1

Can you kindly tell me your role in your firm and how long you have held this position please? Can you please explain also the role of the managing partner?

Question 2

How many male and female partners please? Any partner from ethnic minority background (BAME, LGBT)?

Promotion Criteria and process

Question 3

Can you please explain the promotion to partnership process in this firm? Do you have a specific promotion model? What are the criteria considered when choosing practitioners for promotion?

Question 4

Which of the promotion to partner criteria do you consider highly important? How has that affected the promotion prospects to partnership of male and female senior associates in this firm?

Billable Hours

Question 5

How important are long and billable hours in confirming productivity, competence and commitment of an aspiring partner? Does part -time work limit the chances of promotion bearing in mind the need for high billable hours?

Time off for maternal duties

Question 6

Are there considerations for women who have recently returned from Maternity leave in terms of retraining and re-orientation? What effect does this have on their chances of being promoted? Does the intermittent break from work determine how dedicated you are to your work?

Question 7

In your professional experience and opinion, what would you say about the perception regarding male and female practitioners' competences and performance?

Diversity and Inclusion

- **BIASED BEHAVIOURS AND STEREOTYPES**

Question 8

In the day to day management of the law firm, there might be some unconscious gender biased attitudes or operations which only manifest in the different ways men and women are treated. Can you recall any or some instances when you believe these have occurred?

Question 9

Do you think your gender affects the way you are assessed for promotion in your firm? Do you think your gender impacts on how you are judged at the work place? Please give examples if necessary.

- **NETWORKING**

Question 10

What networking policies do you have? How important is networking to career progression?

Question 11

What are the mechanisms in place for such associates to become involved? Does abstinence or minimal involvement in networking affect how a prospective partner is rated during the promotion process?

- **MENTORING**

Question 12

Can you please explain the mentoring procedure in your firm? What management policies are in place in this firm to ensure that both male and female practitioners regardless of race, gender, sexuality or religion, enjoy equal opportunities and are exposure to such mentoring?

- **CASE ALLOCATION/PRACTICE AREAS**

Question 13

Is there any firm policy that ensures that both male and female lawyers are equally offered case working opportunities?

Question 14

Are you satisfied with the case allocation system at work? Do you think your expertise is being well challenged through adequate case allocations to you? Please explain.

- **KNOWLEDGE MANAGEMENT**

Question 15

How much information about the firm's promotion criteria/guidelines are made known to both male and female partnership aspirants in your firm?

Question 16

Are such aspirants provided with adequate feedback yearly to enable them to re-evaluate their performances? What support systems do you have for those requiring such? Kindly explain.

- **EQUALITY ACT 2010**

Question 17

How much of the provisions of the Equality Act 2010 are you conversant with?? Does your firm adhere to its provisions especially section 12? (Explain section 12 if necessary).

Question 18

Do you have members of BAME and LGBT within the senior cadre of this firm? How many are there in this firm? How often do you employ minority trainee solicitors? Are the criteria uniform for all prospective trainees?

Question 19

Is there any information/ knowledge sharing system in your law firm which encourages a feedback system to both management and solicitors?

WELL-BEING ISSUES

Question 20

Do you have incidences of associates taking time off due to a poor state of well -being? Are there mechanisms in dealing with such issues when they occur? How regular have you had resignations or opts out on the basis of poor well- being?

APPENDIX 2

INTERVIEW QUESTIONS DESIGNED FOR PARTICIPATING SOLICITORS

DEMOGRAPHICS

1. Initials of respondent....., Mr {}, Mrs {}, Ms {}, Miss {}, Dr {}
{} Other {}
2. Sex/Gender, Nationality, Race/Ethnicity, Disability
3. Age:
4. Marital status: Single {} Married {} Divorced {} Separated {}
5. No of children { }, Ages of children if any
please.....years.....months
6. What is your current department/area of practice?
7. Full Time {} Part Time {} (Please tick) (If part time can you tell me the reasons
please)
8. Educational Qualifications please: PHD {} Post Graduate {} 1st Degree {}
Diploma {}
9. Any professional Qualification /Courses attended so far?
10. Sexuality: {} Heterosexual {} Bi-sexual {} Homosexual {} Trans-sexual
{} Lesbian :

PROMOTION PROCESS

11. How many times have you been promoted since you joined the firm?
12. Are you looking forward to any promotion soon?

13. Are you aware of the existence of any promotion criteria of your firm? What in your opinion are they and what is expected of you to be able to get considered for promotion?

14. Do you believe the promotion criteria/requirements are fair to all, both male and female solicitors? Please explain.

15 How does the ABS structure affect your promotion prospects? Do you think that management has been fair in the way your promotion prospects have been handled in the law firm?

16. Do you think in your view that male and female colleagues have been equally and fairly treated in the consideration for promotion to partner level? Is there anything female or male associates can do to improve their chances of promotion to partner positions?

- **LONG, BILLABLE HOURS, WORK-LIFE BALANCE, WELL-BEING.**

17. Can you please tell me about your working and billable hours? What are your views about the working/billable hours. How do the long hours affect your family life? Do you feel pressurized within the firm? If so kindly explain?

18. What can you say about your state of well -being. Is there anything you know that has caused it and if so how does it affect your work? Have you sought help?

- **EQUALITY AND DIVERSITY**

19. Do you think there are equal opportunity measures in place? What have you to say about the difference in pay between men and women in the profession?

- **NETWORKING OPPORTUNITIES AND IMPACT ON PROMOTION**

20. Professional networking may include out –of- hour deals, late social engagements and travels. What are your thoughts on this?

21. Do you usually participate or feel constrained about such late and out -of hour networking engagements or the type of activities?

LAW FIRM'S MENTORING CULTURE

22. What will you say about your firm's culture with regards to mentoring opportunities? How are female solicitors treated within the firm?

23. Do you think there is any form of bias in the way your law firm deals with your male and female colleagues during mentoring?

CASE MANAGEMENT/ALLOCATION CULTURE

24. How well are case managed allocations with the firm? What are the criteria used in the allocation of cases?

25. Did you choose your area of specialization? Do you feel empowered or marginalized in the process of case allocation?

CAREER ASPIRATIONS AND GOALS

26. What is your conception of career success as a solicitor? What is your career aspiration / What are your long or short- term career goals? Looking at the role of a partner in your firm, is it something you want to and can do?

27. Is there anything else you wish to tell me about your experience in the law firm regarding the promotion process, aspirations and promotion expectations?

APPENDIX 3

Supplementary Interview Questions (Post -Viva interview)

Thank you for accepting to have this interview with me after a long time.

1. Is your law firm aware of your sexuality?
2. As a gay man within the legal profession, do you feel marginalized in your firm?
As a gay man within the legal profession, do you feel marginalized in your firm?
What about mentoring and networking ? How does your sexuality affect these activities?
3. How helpful is your law firm's policy in ensuring equal treatment without any discrimination or exclusion based on your sexuality?

APPENDIX 4

Hand written data of Post -Viva semi-structured interview with PMS16

Post Viva Interview (PMS16) 10/11/17

Q. 1. Is yr law firm aware of your sexuality? Medium for

A - No. No need

Q. 2. As a gay man with the legal profession, do you feel marginalised in your firm? What about meeting opportunities/revenue? How does yr sexuality affect these activities?

A. I'm black, I'm gay and I have dreadlocks. So many combinations. I'm personally not pleased with the choices I have made. In a human body not choice. But Society says I should be who I am. So I change. I don't get chosen my sexuality at work. They are yet to get used to the fact that some people have choices & are diff.!!

Yes! I feel marginalised as a gay man, as a black & one with d/llocks. I have a wide network of friends & colleagues but not in this firm. I don't both with returning. Even in my city of origin gay people are still being murdered in state (😞:)

Q. 3. How helpful is yr firm policy in employment with any discrimination?

I don't know of any policy. But people included sexual des. We have a usual equality that set round one in a while but that about it. To say we don't exist. For example as that. But why I keep it simple tho my personal life

APPENDIX 5

Prototype Letter of invitation to participants

Partners, Senior/Associate Solicitors and HR Managers

My address & Date:
<p>(Participants Name & Address)</p> <p>Re: Invitation to participate in PhD Research</p> <p>Topic: A STUDY INVESTIGATING THE ADVANCEMENT OF FEMALE SOLICITORS IN ENGLAND: EXPLORING THE PROMOTION PROCESS TO PARTNER LEVEL, CHALLENGES AND OPPORTUNITIES</p> <p>Dear.....,</p> <p>Greetings and hope my email meet you at a good time of the day.</p> <p>I am Elizabeth, a Doctoral candidate in the Business & Management School of the University of Bolton, London UK. My student ID is 1209669</p> <p>I am conducting a research as part of the requirements of my post –graduate degree in Management and would like to invite you to kindly participate.</p> <p>My sphere of research is to explore and understand the promotion process to partnership/ career advancement strategies of selected law firms in the England and the challenges female solicitors face in their advancement to Partner levels. I believe that your contribution will be of tremendous boost to this research project. Your view as a Partner/HR Manager/Solicitor will throw more light on the issues at stake and enable me to create a better understanding and focus in my area of research. I am hoping to obtain responses from 7 Law firms in England.</p> <p>Should you be kind enough to decide to participate, please be aware that you may be asked to complete a questionnaire, have a face to face interview and or discussion about your legal professional experiences and professional opinion in relation to career progression within your law firm.</p> <p>The area most likely to be covered include but not limited to your firm's promotion policies, how they support or aid/aided your chances of becoming a partner /an executive member of your firm, life -work balances, etc. The meeting will take place at a mutually agreed time and place and should last about 45 minutes. The interview may be audio- taped verbatim so that I can accurately transcribe and reflect on what would be discussed. The tapes will only be reviewed, transcribed and analysed by me the researcher. They will then be destroyed afterwards.</p> <p>We hope that your revered contribution to this research project will Highlight any possible shortcomings, gaps or areas of appraisal which Analysed will subsequently be. The findings we believe will create a better</p>

understanding of the promotion processes and improve management services within the profession while also adding to existing knowledge.

Participation is confidential and anonymous. The study data will be stored in a secure location at the University of Bolton Business School, but the results of the study will be published or presented at professional meetings, without violating the confidentiality of the participants. Due to the need to maintain anonymity, I request that you please do not write your name or other identifying information on any of the study materials.

Please be informed that taking part in the study is voluntary and unpaid. You may also quit being in the study at any time or decide not to answer any question you are not comfortable answering. You will be debriefed at the end of the study and once published as a Thesis a copy can be made available to you upon request.

I am willing and able to meet up with you at any convenient venue as suggested by you. Kindly let me know your preferences.

I will also be happy to answer any questions you have about the study. You may also contact me through my email (.....) or mobile telephone number (.....) please

Should you have any questions about your rights as a research participant, please contact the Research Ethics Office, at the University of Bolton

Thank you for your consideration.

With kind regards

Elizabeth Ikiriko

APPENDIX 6

Research Ethics Consent Form

_Form RE5

Title of Research: *A Study Investigating the Advancement of Female Solicitors in the UK: Exploring the Promotion Process to Partner Level, Challenges and Opportunities.*

To:.....

I confirm that I have read and understood the information sheet for the above study and have had the opportunity to ask questions.

I understand that my participation is voluntary and that I am free to withdraw at any time, without giving reason.

I agree to take part in the above study.

I agree to the semi-structured interview / consultation being audio recorded

I agree to the semi-structured interview /consultation being video recorded

I agree to the use of anonymised quotes in publications

Name of Participant	Date	Signature
_____	_____	_____

Name of Researcher	Date	Signature
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APPENDIX 7

SRA Code of Conduct for Practising Solicitors of England and Wales.

Solicitors must uphold the principles set out by the Solicitors Regulation Authority. These principles embody the key ethical requirements on firms and individuals who are involved in the provision of legal services.

Solicitors must:

- uphold the rule of law and the proper administration of justice
- act with integrity
- not allow their independence to be compromised
- act in the best interests of each client
- provide a proper standard of service to clients
- behave in a way that maintains the trust the public places in them and in the provision of legal services
- comply with legal and regulatory obligations and deal with regulators and ombudsmen in an open, timely and co-operative manner
- run their business or carry out their role in the business effectively and in accordance with proper governance and sound financial and risk management principles
- run their business or carry out their role in the business in a way that encourages equality of opportunity and respect for diversity
- protect client money and assets.

APPENDIX 8



Equality Act 2010

2010 CHAPTER 15

PART 5

WORK

CHAPTER 3

EQUALITY OF TERMS

Disclosure of information

77 Discussions about pay

- (1) A term of a person's work that purports to prevent or restrict the person (P) from disclosing or seeking to disclose information about the terms of P's work is unenforceable against P in so far as P makes or seeks to make a relevant pay disclosure.
- (2) A term of a person's work that purports to prevent or restrict the person (P) from seeking disclosure of information from a colleague about the terms of the colleague's work is unenforceable against P in so far as P seeks a relevant pay disclosure from the colleague; and "colleague" includes a former colleague in relation to the work in question.
- (3) A disclosure is a relevant pay disclosure if made for the purpose of enabling the person who makes it, or the person to whom it is made, to find out whether or to what extent there is, in relation to the work in question, a connection between pay and having (or not having) a particular protected characteristic.
- (4) The following are to be treated as protected acts for the purposes of the relevant victimisation provision—

- (a) seeking a disclosure that would be a relevant pay disclosure;
- (b) making or seeking to make a relevant pay disclosure;
- (c) receiving information disclosed in a relevant pay disclosure.

2

Equality Act 2010 (c. 15)

Part 5 – Work

Chapter 3 – Equality of terms

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Changes to legislation: *There are outstanding changes not yet made by the legislation.gov.uk editorial team to Equality Act 2010. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)*

- (5) The relevant victimisation provision is, in relation to a description of work specified in the first column of the table, section 27 so far as it applies for the purposes of a provision mentioned in the second column.

APPENDIX 9



Equality Act 2010

2010 CHAPTER 15

PART 5

WORK

CHAPTER 3

EQUALITY OF TERMS

Disclosure of information

78 Gender pay gap information

- (1) Regulations may require employers to publish information relating to the pay of employees for the purpose of showing whether, by reference to factors of such description as is prescribed, there are differences in the pay of male and female employees.
- (2) This section does not apply to—
 - (a) an employer who has fewer than 250 employees;
 - (b) a person specified in Schedule 19;
 - (c) a government department or part of the armed forces not specified in that Schedule.
- (3) The regulations may prescribe—
 - (a) descriptions of employer;
 - (b) descriptions of employee;
 - (c) how to calculate the number of employees that an employer has;
 - (d) descriptions of information;
 - (e) the time at which information is to be published;
 - (f) the form and manner in which it is to be published.

Changes to legislation: *There are outstanding changes not yet made by the legislation.gov.uk editorial team to Equality Act 2010. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)*

- (4) Regulations under subsection (3)(e) may not require an employer, after the first publication of information, to publish information more frequently than at intervals of 12 months.
- (5) The regulations may make provision for a failure to comply with the regulations—
 - (a) to be an offence punishable on summary conviction by a fine not exceeding level 5 on the standard scale;
 - (b) to be enforced, otherwise than as an offence, by such means as are prescribed.
- (6) The reference to a failure to comply with the regulations includes a reference to a failure by a person acting on behalf of an employer.

Appendix 10

Chapter 2 of SRA Code 2011 on Equality and Diversity

Expected outcomes and indicative Behaviours of the SRA Principles on Equality and Diversity in registered law firms in England and Wales

Outcomes to be achieved:

O(2.1)

you do not discriminate unlawfully, or victimise or harass anyone, in the course of your professional dealings;

O(2.2)

you provide services to clients in a way that respects diversity;

O(2.3)

you make reasonable adjustments to ensure that disabled clients, employees or managers are not placed at a substantial disadvantage compared to those who are not disabled, and you do not pass on the costs of these adjustments to these disabled clients, employees or managers;

O(2.4)

your approach to recruitment and employment encourages equality of opportunity and respect for diversity;

O(2.5)

complaints of discrimination are dealt with promptly, fairly, openly, and effectively;

O(2.6)

you have appropriate arrangements in place to ensure that you monitor, report and, where appropriate, publish workforce diversity data.

Indicative behaviours

Acting in the following way(s) may tend to show that you have achieved these outcomes and therefore complied with the Principles:

IB (2.1)

having a written equality and diversity policy (which may be contained within one or more documents, including one or more policy documents, as appropriate) which is appropriate to the size and nature of the firm and includes the following features:

(a)

a commitment to the principles of equality and diversity and legislative requirements;

(b)

a requirement that all employees and managers comply with the outcomes;

(c)

provisions to encompass your recruitment and interview processes;

(d)

details of how the firm will implement, monitor, evaluate and update the policy;

(e)

details of how the firm will ensure equality in relation to the treatment of employees, managers, clients and third parties instructed in connection with client matters;

(f)

details of how complaints and disciplinary issues are to be dealt with;

(g)

details of the firm's arrangements for workforce diversity monitoring; and

(h)

details of how the firm will communicate the policy to employees, managers and clients;

IB (2.2)

providing employees and managers with training and information about complying with equality and diversity requirements;

IB (2.3)

monitoring and responding to issues identified by your policy and reviewing and updating your policy.

Acting in the following way(s) may tend to show that you have not achieved these outcomes and therefore not complied with the Principles:

IB (2.4)

being subject to any decision of a court or tribunal of the UK, that you have committed, or are to be treated as having committed, an unlawful act of discrimination;

IB (2.5)

discriminating unlawfully when accepting or refusing instructions to act for a client.

Appendix 11

Section 44 of the Equality Act 2010: Partnerships

(1) A firm or proposed firm must not discriminate against a person—

- (a) in the arrangements it makes for deciding to whom to offer a position as a partner;
- (b) as to the terms on which it offers the person a position as a partner;
- (c) by not offering the person a position as a partner.

(2) A firm (A) must not discriminate against a partner (B)—

- (a) as to the terms on which B is a partner;
- (b) in the way A affords B access, or by not affording B access, to opportunities for promotion, transfer or training or for receiving any other benefit, facility or service;
- (c) by expelling B;
- (d) by subjecting B to any other detriment.

(3) A firm must not, in relation to a position as a partner, harass—

- (a) a partner;
- (b) a person who has applied for the position.

(4) A proposed firm must not, in relation to a position as a partner, harass a person who has applied for the position.

(5) A firm or proposed firm must not victimise a person—

- (a) in the arrangements it makes for deciding to whom to offer a position as a partner;
- (b) as to the terms on which it offers the person a position as a partner;
- (c) by not offering the person a position as a partner.

(6) A firm (A) must not victimise a partner (B)—

(a)as to the terms on which B is a partner;

(b)in the way A affords B access, or by not affording B access, to opportunities for promotion, transfer or training or for receiving any other benefit, facility or service;

(c)by expelling B;

(d)by subjecting B to any other detriment.

(7)A duty to make reasonable adjustments applies to—

(a)a firm;

(b)a proposed firm.

(8)In the application of this section to a limited partnership within the meaning of the Limited Partnerships Act 1907, “partner” means a general partner within the meaning of that Act.